

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1202154-0

Total Deleted Page(s) = 30

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Complaint Form
FD-71 (Rev. 7-21-67)

NOTE: Hand print names legibly; handwriting satisfactory for remainder.

Indices: ☐ Negative ☐ See below

Subject's name and aliases

RUSSELL, CHARLES MEANS:

LT. [REDACTED] BIA - [REDACTED]

Character of case

AFO

Complainant

Investigator, BIA

Criminal

Complaint received

☐ Personal

☒ Telephonic

Date 6/7/75 Time 5:10pm

Address of subject

#1: Pine Ridge, So. Dakota

#2: Rosebud, So. Dakota

Complainant's address and telephone number

Fort Yates, North Dakota

701-854-2332

#1 Subject's Description	Race Am. Indian	Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Height	Hair	Build	Birth date and Birthplace
	Age	Weight	Eyes	Complexion		

b6
b7C

Description Subject No. 2:
American Indian male born [REDACTED]

Facts of complaint

Subjects confronted Lt. [REDACTED] BIA Police Officer, Cannon Ball, North Dakota, on North Dakota Highway 1806, approximately 1 mile south of the Cannon Ball River, near Cannon Ball, within the exterior boundaries of the Standing Rock Sioux Indian Reservation, during the afternoon of 6/7/75. When Lt. [REDACTED] placed both subject's under arrest for violation of Tribal Code Section 8.17d, both subjects resisted, opposed, impeded and interfered with Lt. [REDACTED] while in the performance of his official duties, forcing Lt. [REDACTED] to physically subdue both subjects. During the encounter, Lt. [REDACTED] service revolver accidentally discharged and the projectile entered MEANS buttock. MEANS was treated at the U. S. Public Service Hospital at Fort Yates and was then transferred to St. Alexius Hospital at Bismarck where he is currently a patient.

Prosecution authorized by AUSA [REDACTED] Bismarck, ND, for violation 18 USC 111. Complaint filed by SA [REDACTED] before U. S. Magistrate HARRY J. PEARCE, Bismarck, and warrant issued. Warrants forwarded to DUSM [REDACTED] Bismarck, all on 6/8/75. Bond recommended by AUSA \$5,000 cash or surety each subject.

Felony warrant also issued charging MEANS with Assault at Fort Rice, Morton County (not on Reservation). State warrant not to be executed until subject released from hospital, in approximately 3-5 days. Fort Rice incident preceded captioned offense by several hours.

2 - Minneapolis

(2)

89-231-1
SEARCHED INDEXED

Action Recommended O & A

SA [REDACTED]

(Agent)

INTEL

005

TO: DIRECTOR, FBI
FROM: SAC, MINNEAPOLIS (89-NEW) (P)
SUBJECT: RUSSELL MEANS-

LT. [REDACTED] BUREAU OF INDIAN AFFAIRS (BIA) [REDACTED]
AFO
OO: MP

RUSSELL MEANS, [REDACTED]

AND [REDACTED] arrested by BIA, FT. YATES, NORTH DAKOTA, JUNE 7, 1975, DURING EARLY EVENING, FOLLOWING ASSAULT BY THE ABOVE INDIVIDUALS AGAINST SEVERAL BAR PATRONS AT FT. [REDACTED] RICE, MORTON COUNTY, NORTH DAKOTA, AT APPROXIMATELY 7 2:30 P.M., JUNE 7, 1975. RUSSELL MEANS observed at BAR WITH 30-30 rifle.

b6
b7C

THE ASSAULT AT FORT RICE OCCURRED ON STATE LAND AND MORTON COUNTY AUTHORITIES HAVE ISSUED FELONY WARRANTS CHARGING ALL THE INDIVIDUALS IN CUSTODY WITH ASSAULT.

THE ARREST TOOK PLACE IN NORTH DAKOTA ON THE STANDING ROCK SIOUX INDIAN RESERVATION, AGENCY HEADQUARTERS AT FORT YATES. BIA POLICE OFFICER [REDACTED] RESPONDING TO A REQUEST FOR ASSISTANCE FROM MORTON COUNTY AUTHORITIES, LOCATED VEHICLES ON THE RESERVATION BELIEVED INVOLVED IN THE BAR ASSAULT. AS LT. [REDACTED]

[REDACTED] APPROACHED, RUSSELL MEANS STOPPED LT. [REDACTED] WHO WAS ACCOMPANIED BY [REDACTED] BIA RADIO DISPATCHER, WHOM LT. [REDACTED]

RUSSELL MEANS WAS JOINED BY [REDACTED] and BOTH BECAME BELLIGERENT AND THEN AGGRESSIVE. LT. [REDACTED] PLACED [REDACTED] UNDER ARREST FOR THE TRIBAL OFFENSE OF BEING INTOXICATED ON THE HIGHWAY.

SEARCHED INDEXED
SERIALIZED FILED

JUN 10 1975

[REDACTED] RESISTED AND WAS ASSISTED BY RUSSELL MEANS [REDACTED] WAS FORCED b6 b7C

WAS TO USE A SHOT GUN TO PREVENT OTHER PEOPLE PRESENT FROM INTERFERING.
IT

[REDACTED] drew his revolver AND DURING AN ENSUING STRUGGLE BETWEEN
LT. [REDACTED] MEANS AND [REDACTED] LT [REDACTED] SERVICE REVOLVER ACCIDENTALLY
DISCHARGED STRIKING MEANS IN THE BUTTOCK. MEANS IS HOSPITALIZED IN GOOD
CONDITION FOR OVERNIGHT OBSERVATION AT FORT YATES. RUSSELL MEANS WAS
ARRESTED ON THE TRIBAL OFFENSE OF BEING INTOXICATED ON THE HIGHWAY. THE
OTHER INDIVIDUALS ARRESTED WERE ALSO CHARGED WITH TRIBAL OFFENSES ARISING OUT OF THE SAME INCIDENT.

AUSA [REDACTED] BISMARCK, NORTH DAKOTA, PROVIDED THE
that he was withholding prosecutive opinion on AFO charges ^{this time and will render a decision more} ~~that Morton County, North~~
~~PRELIMINARY OPINION ON JUNE 7, 1975, THAT MORTON COUNTY, NORTH DAKOTA,~~
~~Dakota authorities should proceed with local assault charges. Subjects being turned over~~
~~authorities should be deferred to, rather than proceeding against the~~
~~to Morton County, North Dakota authorities 6/8/75~~
~~SUBJECTS FOR AFO, TITLE 12, SECTION 111, USC.~~

ALL SUBJECTS ARE AMERICAN INDIANS. ~~RUSSELL MEANS WAS BORN~~

(INSERT DATES); [REDACTED] [REDACTED]

AND [REDACTED]

DATES OF BIRTH NOT AVAILABLE FOR [REDACTED] AND [REDACTED]

INVESTIGATING CONTINUING.

ALL SUBJECTS SHOULD BE CONSIDERED POSSIBLY ARMED AND
DANGEROUS IN VIEW OF RUSSELL MEANS POSSESSION OF A 30-30 RIFLE AT
FORT RICE, NORTH DAKOTA, ON JUNE 7, 1975.

CC 157- 1780


(Title) _____

(File No.) _____

Date Filed		Disposition
9-24-75	① Magistrate Jason re declaration of indigency for Russell Means dated 7-25-75 with USDC, Bismarck, ND	
3 19-76	② One 38 caliber cartridge, silver colored jacket, copper colored bullet	
4-1-76	③ Copy of clinical record re: treatment of Russell Means	
4-15-76	④ Agents notes on crime scene diagram	
"	⑤ Copy invoice by which check for court	
"	use sent from Bureau to Mr: 	

b6
b7c

87-231-1A

b6
b7CFile No. MP 89-231Date 8-22-75From  U.S. D.C.

(ADDRESS OF CONTRIBUTOR)

Bismarck, NDBy 

(NAME OF SPECIAL AGENT)

To Be Returned ☐ Yes
☒ NoReceipt given ☐ Yes
☒ No

Description:

Magistrate form re
declaration of indigency
by Russell Means filed
7/25/75 with USDC,
Bismarck, ND.

1A①

U.S.A. vs. Russell Charles Means; Thomas Richard Poor Bear

Southwestern Division
District of North Dakota
AT Bismarck, North Dakota

LOCATION NUMBER

34101

DOCKET NUMBERS

Magistrate

2-75-21M

District Court

FILED

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA

JUL 25 1975

PERSON REPRESENTED (Show your full name)

Russell Charles Means

- 1 ☒ Defendant - Adult
2 ☐ Defendant - Juvenile
3 ☐ Appellant
4 ☐ Probation Violator
5 ☐ Parole Violator
6 ☐ Habeas Petitioner
7 ☐ 2255 Petitioner
8 ☐ Material Witness
9 ☐ Other (Specify)

CHARGE/OFFENSE (describe if applicable & check box)

☒ Felony
☐ Misdemeanor

Resisting, impeding, and interfering with officer
in performance of official duties.

18 USC 111

ANSWERS TO QUESTIONS REGARDING ABILITY TO PLEAD

OLETUS J. SCHMIDT, Clerk

EMPLOYMENT

Are you now employed? ☐ Yes ☒ No ☐ Am Self Employed

Name and address of employer:

AIM LEADER (NO COMPENSATION)

IF YES, how much do you
earn per month? \$

IF NO, give month and year of last employment

How much did you earn per month \$5/72 - \$1500 MO.

If married is your Spouse employed? ☒ Yes ☐ No

IF YES, how much does your
Spouse earn per month \$

unknown

If a minor under age 21, what is your

Parents or Guardian's approximate monthly income \$

ASSETS

OTHER INCOME

Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? ☐ Yes ☒ No

IF YES, GIVE THE AMOUNT
RECEIVED & IDENTIFY
THE SOURCES

RECEIVED

SOURCES

NONE

CASH

Have you any cash on hand or money in savings or checking account? ☒ Yes ☐ No

IF YES, state total amount \$200.00

PROPERTY

Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? ☐ Yes ☒ No

IF YES, GIVE VALUE AND
DESCRIBE IT

VALUE

DESCRIPTION

DEPENDENTS

MARITAL STATUS

☐ SINGLE

☐ MARRIED

☐ WIDOWED

☒ SEPARATED OR
DIVORCED

Total
No. of
Dependents

5

List persons you actually support and your relationship to them

OBLIGATIONS
& DEBTS

DEBTS &
MONTHLY
BILLS

MORTGAGE
ON HOME

Creditors

Total Debt

Monthly Payt.

NONE

SIGNATURE OF DEFENDANT
(OR PERSON REPRESENTING)

I certify the above to be correct.

Russell Means

File No. MP 89-231

Date Received 3/16/76

From [REDACTED] Lt. of Police

b6

b7C

(NAME OF CONTRIBUTOR)

Bureau of Indian Affairs

(ADDRESS OF CONTRIBUTOR)

Cannon Ball, North Dakota

STATE)

(NAME OF SPECIAL AGENT)

To Be Returned ☐ Yes☒ No

Receipt Given

☐ Yes☒ No

Description:

One 38 caliber cartridge, silver colored jacket, copper colored bullet.

Disposition: Given to [REDACTED]

to [REDACTED]

[REDACTED] RUSSELL CHARLES MEANS, 3/16/76, at Bismarck, ND, pursuant to request of USA, Fargo, ND.

1 A(2)

File No. MP 89-231Date Received 3-17-76

From

M.D.

(NAME OF CONTRIBUTOR)

U.S. Public Health Service Hospital

(ADDRESS OF CONTRIBUTOR)

Bismarck, N. Dakota

b6

b7C

To Be Returned

☐

Yes

Receipt Given

☐

Yes

☒

No

☒

No

Description:

Copy of Clinical Record-
narrative Summary
dated 6/9/75, re
treatment of Russell
Means, 6/7/75.

1A(3)

CLINICAL RECORD		NARRATIVE SUMMARY
DATE OF ADMISSION	DATE OF DISCHARGE	NUMBER OF DAYS HOSPITALIZED
June 7, 1975	Transferred to St. Alexius Hospital	June 7, 1975

(Sign and date at end of narrative)

HISTORY OF PRESENT ILLNESS: The patient was brought in by a police car after sustaining a gunshot wound. Initially he refused to be seen, that he would only let the [redacted] examine him. He was brought to the jail and after being there a short approximately two hours he agreed to be examined in the hospital after he said he had increasing pain. At all times he was coherent, oriented as to time, place and person and seemed quite rational.

On coming to the hospital the second time, he complained of burning epigastric pain but appeared quite comfortable in no distress. He even joked around a little bit. He also complained of slight pain over the exit and entrance points of the bullet wound. He had no abdominal pain other than what has been previously mentioned. He said the epigastric pain he had had before and that he had had a history of ulcer disease which he said was documented by an Upper GI Series.

PHYSICAL EXAMINATION: He was in no acute distress. He was quite comfortable even taking time to joke around with the X-ray technician. Examination of the HEENT showed the following: the pupils were equal and reactive to light and accommodation. There was no icterus. There was no bruises or abrasions or bleeding points about the head or face. The neck was supple. The chest showed the lungs to be clear on deep inspiration. The heart had a sinus tachycardia. The abdomen showed no organomegaly or masses. There was no tenderness or rebound tenderness, no bruits, no guarding, voluntary or involuntary. The bowel sounds were active. He did have some slight swelling over the left flank and posterior ilium. Extremities were within normal limits. All pulses were present, equal and good. There were no bruits over any of the pulses. Examination of the back showed an entrance wound of the bullet over the left posterior ilium with an exit point over the area of the left flank. There was no bullet palpable and the line of the exit and entrance points were ~~scarcely~~ ^{slightly} It would seem that the bullet had passed through without penetrating the abdomen. His vital signs were pulse 108, respirations 22, blood pressure 150/100.

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b7c

The impression initially was superficial gunshot wound to the left flank, rule out possible intra-abdominal injury.

LABORATORY DATA: Hematocrit taken on admission showed this to be 41%. Urinalysis was negative for blood. Abdominal X-rays, flat plate were within normal limits. There was no evidence of any bullet in the abdomen. On the flat plate of the abdomen there was some bulging of the left flank and soft tissue injury, site at the site of the path of the bullet. X-rays of the pelvis was negative for

TO BE CONTINUED

(Indicate on this form (Standard Form 502) if more space is required)

[redacted]	DATE	IDENTIFICATION NO.	ORGANIZATION
	6/9/75	[redacted]	Ft Yates Service Unit
PATIENT'S IDENTIFICATION (If or typed or written entries give: Name—last, first, middle; grade; date; hospital or medical facility)		ER NO.	WARD NO.
MEANS, Russell		[redacted]	[redacted]

MEANS, Russell

Fort Yates IHS Hospital

NARRATIVE SUMMARY
Standard Form 502
502/108/02

T. 6/9/75 te

KEEP ATTACHED TO EXHIBIT
MP 89-231-A(3)

PHS INDIAN HOSPITAL
FORT YATES, NORTH DAKOTA 58539

IP-2

CLINICAL RECORD		NARRATIVE SUMMARY	
DATE OF ADMISSION	DATE OF DISCHARGE	NUMBER OF DAYS HOSPITALIZED	
June 7, 1975	June 7, 1975		

(Sign and date at end of narrative)

At about this time I phoned Dr. [REDACTED] a thoracic surgeon, in Bismarck and described to him my findings. He concurred that this was probably a superficial wound and he suggested just local wound care and observation. I spoke with Dr. [REDACTED] of the possibility of injecting the wound with dye to determine whether or not there was dye in the intra-abdominal cavity and he felt that this was not necessary. He was familiar with the tests but usually did not do it.

At about 9:00 PM the patient was beginning to have more abdominal pain. He was complaining of this, this was over the left flank. The left flank had increased in size and there was a new area of ecchymosis over the exit point,

b6
b7c

PHYSICAL EXAMINATION at this time showed the vital signs to remain stable. Chest showed the lungs to be clear. The heart was still normal sinus rhythm. Examination of the abdomen showed the presence of left upper quadrant tenderness which had not been present on his initial physical examination.

In view of the location of the bullet wound exit point in the left flank high up close to the area of the spleen and the new development of left upper quadrant tenderness in this patient. I felt that injury to the spleen could not be ruled out. I spoke to Dr. [REDACTED] again in Bismarck and he concurred that possibly a shock wave injury to the spleen could have occurred and he suggested that in view of this to make the patient NPO, start him on intra-venous fluid therapy and transfer him to St. Alexius under the care of Dr.

[REDACTED] Patient was then transferred to the St. Alexius Hospital.

FINAL DIAGNOSIS: Gunshot wound to left flank

[REDACTED]			
[REDACTED] (Standard Form 502) If more space is required)			
DATE	IDENTIFICATION NO.	ORGANIZATION	
6/9/75	[REDACTED]	Ft Yates Service Unit	
[REDACTED]		TER NO.	WARD NO.

PATIENT'S IDENTIFICATION (Name, grade, date; hospital or medical facility)

MEANS, Russell

Fort Yates IHS Hospital

T. 6/9/75 te

NARRATIVE SUMMARY
Standard Form 502
502/108/02

PHS INDIAN HOSPITAL
FORT YATES, NORTH DAKOTA 58538

IP-3

File No. 89-231

Date Received _____

From _____
(NAME OF CONTRIBUTOR)

(ADDRESS OF CONTRIBUTOR)

SA (STATE) b6
b7C

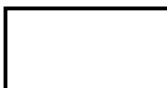
(AL AGENT)

To Be Returned ☐ **Yes** ☐ **No**

Receipt Given ☐ **Yes** ☐ **No**

Description :

Agents notes on



1A(4)

File No. MP 89-231

Date Received 4-2-76

From _____
(NAME OF CONTRIBUTOR)

b6

(ADDRESS OF CONTRIBUTOR)

b7C

By

To Be Returned ☐ Yes
☒ No

Receipt given ☐ Yes
☒ No

Description:

b3

1 A(5)

(TREATS BLUE COPY)

NR005 MP CODED

1:00 AM SENT ON 6/8/75 NITEL JUNE 7, 1975 DCW

TO DIRECTOR

FROM MINNEAPOLIS (89-NEW) (P)

RUSSELL MEANS; [REDACTED] LT. [REDACTED] BUREAU OF
INDIAN AFFAIRS (BIA) [REDACTED] AFO; OO: MINNEAPOLIS.

RUSSELL MEANS, [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]

AND [REDACTED] ARRESTED BY BIA, FT. YATES, NORTH DAKOTA,
6/7/75, DURING EARLY EVENING, FOLLOWING ASSAULT BY THE ABOVE INDIVIDUALS
AGAINST SEVERAL BAR PATRONS AT FT. RICE, MORTON COUNTY, NORTH DAKOTA,
AT APPROXIMATELY 2:30 PM, JUNE 7, 1975. RUSSELL MEANS OBSERVED AT
BAR WITH 30-30 RIFLE. b6
b7C

THE ASSAULT AT FORT RICE OCCURRED ON STATE LAND AND MORTON COUNTY
AUTHORITIES HAVE ISSUED FELONY WARRANTS CHARGING ALL THE INDIVIDUALS
IN CUSTODY WITH ASSAULT.

THE ARREST TOOK PLACE IN NORTH DAKOTA ON THE STANDING ROCK SIOUX
INDIAN RESERVATION, AGENCY HEADQUARTERS AT FORT YATES. BIA POLICE
OFFICER [REDACTED] RESPONDING TO A REQUEST FOR ASSISTANCE FROM MORTON
COUNTY AUTHORITIES, LOCATED VEHICLES ON THE RESERVATION BELIEVED
INVOLVED IN THE BAR ASSAULT. AS LT. [REDACTED] APPROACHED, RUSSELL MEANS
STOPPED LT. [REDACTED] WHO WAS ACCOMPANIED BY [REDACTED] BIA RADIO
[REDACTED]

JNT/PFE + RHW
Approved

sent 1:00 AM

89-231-2

PAGE TWO MP 89-NEW

DISPATCHER, WHOM LT. [REDACTED]

RUSSELL MEANS WAS JOINED BY [REDACTED] AND BOTH BECAME BELLIGERENT AND THEN AGGRESSIVE. LT. [REDACTED] PLACED [REDACTED] UNDER ARREST FOR THE TRIBAL OFFENSE OF BEING INTOXICATED ON THE HIGHWAY.

[REDACTED] RESISTED AND WAS ASSISTED BY RUSSELL MEANS. [REDACTED] WAS FORCED TO USE A SHOT GUN TO PREVENT OTHER PEOPLE PRESENT FROM INTERFERING. LT. [REDACTED] DREW HIS REVOLVER AND DURING AN ENSUING STRUGGLE BETWEEN LT. [REDACTED] MEANS AND [REDACTED] LT. [REDACTED] SERVICE REVOLVER ACCIDENTALLY DISCHARGED STRIKING MEANS IN THE BUTTOCK. MEANS IS HOSPITALIZED IN GOOD CONDITION FOR OVERNIGHT OBSERVATION AT FORT YATES. RUSSELL MEANS WAS ARRESTED ON THE TRIBAL OFFENSE OF BEING INTOXICATED ON THE HIGHWAY. THE OTHER INDIVIDUALS ARRESTED WERE ALSO CHARGED WITH TRIBAL OFFENSES ARISING OUT OF THE SAME INCIDENT. b6 b7C

AUSA [REDACTED] BISMARCK, NORTH DAKOTA, ADVISED ON 6/7/75 THAT HE WAS WITHHOLDING PROSECUTIVE OPINION ON AFO CHARGES AT THIS TIME AND WILL RENDER A DECISION MONDAY 6/9/75. HE ALSO ADVISED THAT MORTON COUNTY, NORTH DAKOTA AUTHORITIES SHOULD PROCEED WITH LOCAL ASSAULT CHARGES. SUBJECTS BEING TURNED OVER TO MORTON COUNTY, NORTH DAKOTA AUTHORITIES 6/8/75.

PAGE THREE MP 89-NEW

ALL SUBJECTS ARE AMERICAN INDIANS. [REDACTED] WAS BORN [REDACTED]

b6
b7C

[REDACTED]
AND [REDACTED] DATES OF BIRTH NOT AVAILABLE FOR

[REDACTED] AND [REDACTED]

INVESTIGATION CONTINUING.

ALL SUBJECT SHOULD BE CONSIDERED POSSIBLY ARMED AND DANGEROUS IN
VIEW OF RUSSELL MEANS POSSESSION OF A 30-30 RIFLE AT FORT RICE,
NORTH DAKOTA, ON JUNE 7, 1975.

END

TMA ACK FORONE FBIHQ CLR

NR 011 MP CODED

9:30 PM NITEL JUNE 9, 1975 MRH

TO DIRECTOR

FROM MINNEAPOLIS (89-231) (P)

RUSSELL MEANS; [REDACTED]

LT. [REDACTED]

b6
b7c

BUREAU OF INDIAN AFFAIRS (BIA) [REDACTED] AFO; OO: MINNEAPOLIS.

COMPLAINT AUTHORIZED AND WARRANT ISSUED ON MEANS AND [REDACTED]
MEANS TAKEN INTO CUSTODY THIS DATE AND IS UNDER GUARD ST. ALEXIS
HOSPITAL, BISMARCK, N.D. , BY U.S. MARSHAL. MEANS IN SATISFACTORY
CONDITION AND WILL APPEAR BEFORE U.S. MAGISTRATE WHEN ABLE. LOCAL
WARRANTS CHARGING MEANS AND OTHERS WITH ASSAULT NOT EXECUTED AS YET.

FBI IDENTIFICATION DIVISION REQUESTED TO FURNISH MINNEAPOLIS
UPDATE IDENTIFICATION RECORDS OF RUSSELL CHARLES MEANS, FBI NUMBER

[REDACTED] AND [REDACTED]

DOB [REDACTED]

BY

FACSIMILE.

BUREAU WILL BE KEPT ADVISED.

ARMED AND DANGEROUS.

END

HOLD

WA-MFB

Searched _____
Serialized _____
Indexed _____
Filed _____

89-231-3

Director, FBI

Att: Special Investigative Division

6/9/75

SAC, MINNEAPOLIS (89-231) (P)

☒ Initial Submission☐ Supplements FD-65 dated _____☐ Photograph not needed**RUSSELL, CHARLES MEANS:****LIEUTENANT****BUREAU OF INDIAN AFFAIRS -****AFO****OO: MINNEAPOLIS**

Indicate following:

☐ Extremist (Black)☐ Extremist (White)☐ Rev. Act.☐ Other Security background☒ None of these

b6

b7C

Caution <input checked="" type="checkbox"/>		MKE Name		NAM		Sex	SEX	Race	RAC
						M		I	
Place of Birth		POB	Birth Date	DOB	Height	HGT	Weight	WGT	
					5'11"		175		
Eye Color	EYE	Hair Color	HAIR	FBI No.	FBI	Skin Tone	SKN		
Brown		Black							
Scars, Marks, Tattoos, etc.									SMT
NCIC Fingerprint Classification			FPC	Other Identifying Number				MM	SOC
Operator's License Number			OLN	Operator's License State			OLS	Year Expire	OLY
Offense Charged OFF <u>Assault of a Federal Officer</u>									
U. S. Code, Title and Section <u>Title 18, Section 111, U.S. Code</u>									
Warrant Issued By <u>HARRY J. PEARCE, U.S. Magistrate</u> on <u>6/8/75</u>							DOW	F. O. File #	OCA
Date PBV or Bond Default Case Referred to Office _____									
Miscellaneous Including Bond Recommended					MIS	Fingerprint Classification (Henry System)			
Bond recommended \$5,000 cash or surety									
<u>ARMED AND DANGEROUS</u>									
LICENSE PLATE AND VEHICLE INFORMATION									
License Plate Number		LIC	State	LIS	Year Expires	LIY	License Plate Type		LIT
Vehicle Identification #		VIN	Year	VYR	Make	VMA	Model	VMO	Style
									VST
									Color
									VCO
Aliases					Additional Identifiers				
<div style="text-align: center;"> ENTERED NCIC 6/9/75 </div>					Searched _____				
					Serialized <u>SH</u>				
					Indexed _____				
					Filed <u>SH</u>				
NCI		NIC		1 - Bureau					
				2 - Minneapolis					
				3 - dlp					
				(3)					

89-231-4

NCIC PRINTOUT - TO BE FILED

ENTERED NCIC

EW-C.MNFBIMP00 [REDACTED] M.I. [REDACTED] 511.175.
BLK.BLK..... [REDACTED]1399.060875.98-23 [REDACTED] SOUGHT
IN CONNECTION WITH AN ASSAULT ON FEDERAL OFFICER, RECOMMENDED
BOND \$5,000 CASH OR SURETY
MNFBIMP00
NAME [REDACTED] NIC [REDACTED]

b6
b7c

89-231-5
SEARCHED INDEXED
SERIALIZED FILED

Case Agent is to Verify Proper Record:

- (1) ☒ Entry ☐ Modification
☐ Clear ☐ Cancellation
☐ Locate ☐ Alias Entry

- (2) Initiate any necessary investigation action with respect to any additional records.

NCIC PRINTOUT - TO BE SERIALIZED AND FILED

NCIC PRINTOUT - TO BE FILED

MW.MNFBIMPOO.NAM
89-231P
MNFBIMPOO
MODIFY NAM

NIC

OGA

b6
b7C

NIC

NCIC MODIFIED 6-11-75

Case Agent is to Verify Proper Record:

- | | | |
|-----|---------------------------------|--|
| (1) | <input type="checkbox"/> Entry | <input checked="" type="checkbox"/> Modification |
| | <input type="checkbox"/> Clear | <input type="checkbox"/> Cancellation |
| | <input type="checkbox"/> Locate | <input type="checkbox"/> Alias Entry |

- (2) Initiate any necessary investigation action with respect to any additional records.

NCIC PRINTOUT - TO BE SERIALIZED AND FILED

89-231-6
SEARCHED INDEXED
SERIALIZED FILED

[Empty box for stamp]

PRESS RELEASE

Minneapolis, Minnesota
June 9, 1975

The FBI announced today that RUSSELL CHARLES MEANS, age 35, was taken into custody today at Bismarck, North Dakota, on a charge of Assaulting a Federal Officer.

JOSEPH H. TRIMBACH, Special Agent in Charge of the Minneapolis Office of the FBI, advised that MEANS, who has been residing in Bismarck, North Dakota, was charged in a complaint authorized by the U. S. Attorney at Bismarck on June 8, 1975.

MEANS is alleged to have resisted arrest by PAT KELLY, Lieutenant of Police, Bureau of Indian Affairs, Cannon Ball, North Dakota, while Lieutenant PAT KELLY was in performance of his official duties on June 7, 1975, near Cannon Ball, North Dakota, on the Standing Rock Indian Reservation. MEANS is alleged to have jumped in front of Lieutenant KELLY's moving police vehicle, forcing Lieutenant KELLY to stop; and, when MEANS and THOMAS RICHARD POOR BEAR were arrested by Lieutenant KELLY for violation of Tribal Code (intoxicated person on the highway), POOR BEAR and MEANS resisted, opposed, impeded, and interfered with Lieutenant KELLY and forced Lieutenant KELLY to physically subdue them.

89-231-7

- 1 - 89-New
- 1 - 66-355 Sub A
- 1 - Each Supervisor

PFE:rfr

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FILED

According to Mr. TRIMBACH, in the ensuing scuffle, Lieutenant KELLY's revolver discharged accidentally, striking MEANS in the lower back. MEANS will appear before a U. S. Magistrate at Bismarck, North Dakota, as soon as feasible pending further prosecutive action.

A warrant has also been authorized by the U. S. Attorney, Bismarck, for the arrest of THOMAS RICHARD POOR BEAR, age 20, Rosebud, South Dakota, who is alleged in the same complaint to have interfered with Bureau of Indian Affairs Police Lieutenant PAT KELLY.

C/10/75

21

LIEUTENANT [REDACTED]
BUREAU OF INDIAN AFFAIRS -
AEO
CO: MINNEAPOLIS

JUN 10 1975

Index

MP 89-231

Minnesota, height 6'3", weight 155 pounds, brown eyes, black hair, SSAN [redacted] born [redacted] and [redacted] born [redacted] both from the Fort Berthold Indian Reservation. Agency Headquarters at New Town, North Dakota. [redacted] Sheriff's Office, BIA, Fort Yates, North Dakota, advised 6/10/75, the above 3 witnesses believed to have returned to Fort Berthold 6/8/75.

[redacted] described as:

Race	Indian
Sex	Male
DOB	[redacted]
SSAN #	
Height	5'11"
Weight	170 lbs.
Hair	Black
Eyes	Brown

b6
b7C

BOTH SUBJECTS SHOULD BE CONSIDERED ARMED AND DANGEROUS.

LEADS

MINNEAPOLIS DIVISION

AT ROSEBUD, SOUTH DAKOTA

Alert BIA authorities and attempt to locate and apprehend [redacted]

AT NEW TOWN, NORTH DAKOTA

Attempt to locate and interview witnesses [redacted] and [redacted]

SAC, MINNEAPOLIS (89-231) (P)

6/10/75

SA [REDACTED]

RUSSELL, CHARLES MEANS:

[REDACTED]
LIEUTENANT [REDACTED]
BUREAU OF INDIAN AFFAIRS - [REDACTED]
AFO
OO: MINNEAPOLIS

REMPtoletypes to the Bureau, 6/8, 9, 10/75 and
telephone calls to SA [REDACTED] Pierre, South Dakota,
6/9/75 and telephone call to SA [REDACTED] Minot,
North Dakota, 6/10/75.

Complaint form by SA [REDACTED] 6/8/75,
at Bismarck, North Dakota, charging subjects with violation
Title 18, Section 111, USC. Prosecution authorized by AUSA
[REDACTED] Bismarck, and warrants for arrest issued
for MEANS and [REDACTED] 6/8/75 by HARRY J. PEARCE, U.S.
Magistrate. Bond recommended at \$5,000 cash or surety.

b6
b7C

The warrant charged that MEANS and [REDACTED] on
or about 6/7/75, did resist, oppose, impede and interfere
with [REDACTED] Lieutenant of Police, Bureau of Indian Affairs,
Cannon Ball, North Dakota, while [REDACTED] was in performance
of his official duties, which offense occurred within the
exterior boundaries of the Standing Rock Indian Reservation,
in Indian country, within the exclusive jurisdiction of the
U.S.

MEANS was arrested by U.S. Marshal, [REDACTED]
Bismarck, North Dakota, 6/9/75 and was released on \$5,000
unsecured bond by the U.S. Magistrate, 6/10/75.

[REDACTED] not in custody and may have returned to
Rosebud, South Dakota. Investigation being conducted to
determine if [REDACTED] at Bismarck.

89-231-8

Witnesses to incident involving victim believed to
include [REDACTED] [REDACTED] Blaine,
Minnesota, an American Indian, Male, born [REDACTED] at Minneapolis.

4- Minneapolis

[REDACTED] dkp

(4)

Assign
Rosebud
lead
to

JUN 10 1975

INDEXED
FILED

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
IDENTIFICATION DIVISION
WASHINGTON, D.C. 20537

671f 2-12-75

The following FBI record, NUMBER **877 277 C**, is furnished FOR OFFICIAL USE ONLY.
 Information shown on this Identification Record represents data furnished FBI by fingerprint contributors.
 WHERE DISPOSITION IS NOT SHOWN OR FURTHER EXPLANATION OF CHARGE OR DISPOSITION IS
 DESIRED, COMMUNICATE WITH AGENCY CONTRIBUTING THOSE FINGERPRINTS.

CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
Police Department San Leandro California	Russell Charles Means 11046	March 9, 1957	Petty Theft and violation of curfew	
Police Department San Leandro California	Russell Charles Means 11046	April 26, 1958	common drunk	\$10.00 bail forfeited
Police Department Los Angeles California	Russell C. Means LA 467 708-M	January 18, 1959	drunk booking 775889	
Police Department Los Angeles California	Russell C. Means LA 467 708-M	December 19, 1959	211 Penal Code (robbery) booking 001537	
Police Department Inglewood California	Russell Charles Means A-23264	June 4, 1960	drunk in private residence	
Police Department Oakland California	Russell Charles Means 155819	September 9, 1962	Section 647f Penal Code under the influence	15 days County Jail suspension 1 year
Police Department San Francisco California	Russell Charles Means 180373	October 27, 1962	G-61366 suspicion Section 245 Penal Code (Assault a deadly weapon)	October 30, 1962 discharged

SEARCHED INDEXED
SERIALIZED FILED

JUN 10 1975

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b7c

89-231-9

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

IDENTIFICATION DIVISION

WASHINGTON, D. C. 20535

1-22

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CENTERS OF INTEREST	NAME AND NUMBER	AGENCY OR SOURCE	GRADE	DISPOSITION
<p>CC - FBI Minneapolis</p> <p>CC- IS-2 Intell Div</p>	<p>INDEX FLASH: Russell Charles Means Any information or inquiry received refer one copy of record to IS-2 Intelligence Division and 2 copies to RFD Minneapolis File 157-1460 Bu file 157-28313 inf rec 10-24-73</p>			

UNITED STATES DEPARTMENT OF JUSTICE
 FEDERAL BUREAU OF INVESTIGATION
 IDENTIFICATION DIVISION
 WASHINGTON, D.C. 20537

671f 2-12-75

2

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CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
Police Department San Francisco California	Russell C. Means 180373	April 10, 1963	enroute to Los Angeles California (Section 270 Penal Code omit to provide for a minor child)	April 11, 1963 Delivered on charge of H-23221 enroute to Los Angeles California (Section 270 Penal Code)
Sheriff's Office Los Angeles California	Russell Charles Means B-961126	April 12, 1963	Failure to provide	
Police Department San Francisco California	Russell Charles Means 180373	April 1, 1964	no arrest probationer from Los Angeles County fingerprinted in compliance with Case Record keeping as per Section 1203.10 Penal Code (Section 270 Penal Code)	
Police Department Rapid City South Dakota	Russell C. Means 19389	September 26, 1965	Disorderly Conduct	\$100.00 and 30 days suspension on floater

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
IDENTIFICATION DIVISION
WASHINGTON, D.C. 20537

671f 2-12-75

3

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 WHERE DISPOSITION IS NOT SHOWN OR FURTHER EXPLANATION OF CHARGE OR DISPOSITION IS
 DESIRED, COMMUNICATE WITH AGENCY CONTRIBUTING THOSE FINGERPRINTS.

CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
United States Marshal Minneapolis Minnesota	Russell Charles Means 6842	May 21, 1971	18 United States Code 1382 Trespassing on a Naval Installation	Dismissed November 9, 1971
United States Marshal Sioux Falls South Dakota	Russell Charles Means 8410-1495	June 6, 1971	Did unlawfully climb Mount Rushmore and camp	Dismissed by Order of the Court
Police Department Washington DC	Russell Charles Means 253 183	September 22, 1971	Unlawful Entry	
Police Department Scottsbluff Nebraska	Russell C. Means 28912	January 14, 1973	Disorderly Conduct Intoxication Carrying Concealed Weapon Resisting Arrest	To County
Sheriff's Office Rapid City South Dakota	Russell Charles Means 11048	February 6, 1973	C-1 Riot C-2 2 counts arson second degree	Released to Custer County Authorities
USM Sioux Falls SDak	Russell Charles Means 8410-1495	4-5-73	burg,larc impede Fed officers during civil disorder-consp A Fed Off-poss unregister firearms-arson	
USM Phoenix Ariz	Russell Charles Means 6816 P (c)	6-18-73	Interstate transportation of firearms for civil disorder	

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
IDENTIFICATION DIVISION
WASHINGTON, D.C. 20535

577 277 C

The following FBI record, NUMBER

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Information shown on this Identification Record represents data furnished FBI by fingerprint contributors. WHERE DISPOSITION IS NOT SHOWN OR FURTHER EXPLANATION OF CHARGE OR DISPOSITION IS DESIRED, COMMUNICATE WITH AGENCY CONTRIBUTING THOSE FINGERPRINTS.

CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARREST OR RECEIPT	CHARGE	DISPOSITION
PD Sioux Falls SDak	Russell Means J-8070	5-14-74	engaging in: riot injuring public building	
USM Sioux Falls SDak	Russell Charles Means 8410-1495	6-28-74	exit with intent to inflict great bodily injury	
	Residence: Porcupine South Dakota			
SO Rapid City SDak	Russel C Means 11048 SID 66328	3-2-75	shooting with intent to kill	see suppl
	Residence: Porcupine SD			
SO Rapid City SD	Russell C. Means 11048 SID 66328	3-10-75	murder	
	Residence: Porcupine SD			

**UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
IDENTIFICATION DIVISION
WASHINGTON, D.C. 20535**

The following FBI record, NUMBER 877 277 C, is furnished FOR OFFICIAL USE ONLY. Information shown on this identification record represents data furnished FBI by fingerprint contributors. WHERE DISPOSITION IS NOT KNOWN OR FURTHER EXPLANATION OF CHARGE OR DISPOSITION IS DESIRED, COMMUNICATE WITH AGENCY CONTRIBUTING THESE FINGERPRINTS.

CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	DATE OF INDEXING	CHARGE	DISPOSITION
	<p>911048 SID 66178 3-3-75 SA Dis for the reason that charges for Murder are being filed arising from the same incident.</p>			

FINAL DISPOSITION IS NOT SHOWN OR FURTHER EXPLANATION OF CHANGE IS LACKED, CONTAINING WITH AGENCY CONTRIBUTING THOSE FINGERPRINTS.

CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	DATE OF ENTRY	CHARGE	REMARKS
USM Fargo NDak				
SO Washville NE				
SIU Sioux Falls SD				

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SINCE FBI IS NOT A SEARCHING AGENCY, IT IS NOT POSSIBLE TO GUARANTEE THAT THIS MATERIAL CONCERNS THE INDIVIDUAL IN WHOM YOU ARE INTERESTED.

89-231-10

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SERIALIZED	FILED

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
IDENTIFICATION DIVISION
WASHINGTON, D. C. 20535

The following information from FBI record, NUMBER [REDACTED]
is furnished FOR OFFICIAL USE ONLY.

Description and Related Data:

Race: Indian

Sex: Male

Height: 71"

Weight: 175

Hair: Black

Eyes: Brown

Date and Place of Birth: [REDACTED] Chicago, Ill.

b6
b7C

Scars and Marks: [REDACTED]

Address: April 75- Rosebud, South Dakota

Occupation: Construction laborer

Social Security Number: [REDACTED]

Since this information is not an
identification number which is indexed
in our files and is not your request,
FBI cannot guarantee in any manner
that this material concerns the
individual in whom you are interested.

NR006 MP CODE

4:20 PM URGENT 6-10-75 JMJ

TO DIRECTOR

FROM MINNEAPOLIS (89-231) (P)

RUSSELL CHARLES MEANS; [REDACTED]

LIEUTENANT [REDACTED] BUREAU OF INDIAN AFFAIRS [REDACTED] AFO;

OO: MINNEAPOLIS.

REMPNITELS TO THE BUREAU DATED JUNE 8, 1975, AND JUNE 9, 1975.

MEANS AFFORDED HEARING BEFORE U.S. MAGISTRATE, BISMARCK, NORTH DAKOTA, JUNE 10, 1975 AT 11:00 A.M. AND ORDERED RELEASED BY U.S. MAGISTRATE HARRY J. PEARCE, ON \$5,000 UNSECURED BOND. MEANS HAS DEMANDED PRELIMINARY HEARING. [REDACTED] UNITED TRIBE'S

EMPLOYMENT TRAINING CENTER, BISMARCK, NORTH DAKOTA, WAS [REDACTED]

FOR MEANS AT HEARING. ACCORDING TO DEPUTY U.S. MARSHAL [REDACTED]

[REDACTED] ATTORNEY, IS ALLEGEDLY ARRIVING BISMARCK, JUNE 11, 1975.

MORTON COUNTY WARRANT OF ARREST CHARGING MEANS WITH ASSAULT, A FELONY, WAS SERVED ON MEANS AT 4:30 P.M., JUNE 9, 1975; BOND RECOMMENDED \$25,000. HEARING NOT YET SCHEDULED.

ARMED AND DANGEROUS.

END

LSG FBIHQ CLR AND

89-231-11

Searched _____
Serialized 5
Indexed _____
Filed 8

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F B I

Date: 6/10/75

Transmit the following in CODE
(Type in plaintext or code)Via TELETYPE URGENT
(Priority)

006

TO DIRECTOR, FBI
FROM SAC, MINNEAPOLIS (89-231) (P)

RUSSELL CHARLES MEANS; [REDACTED]
LIEUTENANT [REDACTED] BUREAU OF INDIAN AFFAIRS - [REDACTED] AFO; OO:
MINNEAPOLIS.

b6
b7c

REMPNITELS TO THE BUREAU DATED JUNE 8, 1975 AND JUNE 9, 1975.

MEANS AFFORDED HEARING BEFORE U.S. MAGISTRATE, BISMARCK,
NORTH DAKOTA, JUNE 10, 1975 AT 11:00 A.M. AND ORDERED RELEASED BY
U.S. MAGISTRATE HARRY J. PEARCE, ON \$5,000 UNSECURED BOND. MEANS
HAS DEMANDED PRELIMINARY HEARING. [REDACTED] UNITED TRIBE'S
EMPLOYMENT TRAINING CENTER, BISMARCK, NORTH DAKOTA, WAS [REDACTED]
FOR MEANS AT HEARING. ACCORDING TO DEPUTY U.S. MARSHAL [REDACTED]
[REDACTED] ATTORNEY, IS ALLEGEDLY ARRIVING BISMARCK, JUNE 11,
1975.

MORTON COUNTY WARRANT OF ARREST CHARGING MEANS WITH ASSAULT, A
FELONY, WAS SERVED ON MEANS AT 4:30 P.M., JUNE 9, 1975; BOND
RECOMMENDED \$25,000. HEARING NOT YET SCHEDULED.

ARMED AND DANGEROUS.

89-231-11

Minneapolis

dkp

dkp

Approved: _____

Special Agent in Charge

Sent

4:20 P

M

Per

8

(Mount Clipping in Space Below)

Warrant issued for wounded Means

BISMARCK, N.D. (AP) — A federal warrant was issued Monday for the arrest of American Indian Movement (AIM) leader Russell Means, hospitalized in satisfactory condition in Bismarck with a pistol wound in the stomach.

The United States attorney's office said the warrant alleges Means "did resist, oppose, impede and interfere with Pat Kelly, a lieutenant of police of the Bureau of Indian Affairs in Cannon Ball, while Kelly was in performance of official duties."

A similar warrant was issued for Thomas Richard Poor Bear, 21, Rosebud, S.D.

The hospital said Means had requested no incoming telephone calls and was not available for comment.

The charges stem from an incident Saturday near the Cannonball Bridge in northern Sioux County, N.D., in which Means was shot in the abdomen, authorities said.

Henry Gayton, special Bureau of Indian Affairs officer, said Means was shot during an altercation involving other AIM members, Means and Kelly.

However, Means contended the BIA report was "completely erroneous." He said he was shot by Kelly's son, a radio dispatcher and jailer at Fort Yates.

Gayton said Kelly shot Means when the officer's gun accidentally discharged during a scuffle with AIM members.

"In the scuffle, his gun discharged," Gayton said. "It was an accident."

(Indicate page, name of newspaper, city and state.)

7 ST. PAUL PIONEER
PRESS
St. Paul, Minn.

Date: June 10, 1975

Edition: Morning

Author:

Editor: William G. Sumner

Title: Russell Means

Character:

or

Classification: 89-

Submitting Office: Minneapolis

☐ Being Investigated

89-231-12

SEARCHED INDEXED
SERIALIZED 8 FILED 11

JUN 11 1975

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CC Sent To Bu RS 6-10-75

(Mount Clipping in Space Below)

FBI says BIA policeman shot Means in back

Tribune News Services

The FBI said Monday that American Indian Movement (AIM) leader Russell Means was shot in the back by a Bureau of Indian Affairs (BIA) officer Saturday. The FBI said the shooting was an accident.

BIA officials had said Sunday that Means was shot in the abdomen during an altercation with BIA Police Lt. Pat Kelly near Cannonball, N.D., on the Standing Rock Reservation in the south central part of the state. Means claimed he was shot in the back by Kelly's son, who was with his father during the incident.

Meanwhile, Means was placed under arrest because he allegedly "did resist, oppose, impede and interfere" with Kelly "while Kelley was in the performance of his duties."

BIA officials claimed Means was shot in the lower abdomen when Kelly's pistol accidentally discharged during a scuffle between Kelly and Means. Means claimed he was shot while trying to break up a scuffle between the elder Kelly and Tom Poor Bear, who was with Means at the time of the incident and also was arrested yesterday.

In a release yesterday, Joseph Trimbach, special agent in

charge of the Twin Cities office of the FBI, explained the shooting this way: "In the ensuing scuffle, Lt. Kelly's revolver discharged accidentally, striking Means in the lower back."

When contacted by the Minneapolis Tribune yesterday, the U.S. attorney in Bismarck, N.D., David Peterson, declined to say where the bullet had entered Means's body.

"If it entered from the back, that would not make Kelly's story less believable," he said. "Did you ever think that in a scuffle the officer's gun might have gone off while it was in the back of the suspect?"

Officials at St. Alexius Hospital in Bismarck, where Means was listed in good condition, refused again yesterday to say where the point of entry was.

U.S. Marshal Walter Link closed Means's hospital room to reporters and visitors.

Link said this was done in order to lessen the chance of adverse publicity in the Means case, which he labeled "a sensitive one."

Means, in a hospital interview before the banning of visitors, said national AIM was calling for a "full-scale federal investigation" into the circumstances surrounding his shooting, which he labeled an "assassination attempt."

(Indicate page, name of newspaper, city and state.)

1B& MINNEAPOLIS TRIBUNE
2B Minneapolis, Minn.

Date: June 10, 1975

Edition: Morning

Author:

Editor: Charles W. Bailey

Title: Russell Means

Character:

or

Classification: 89-

Submitting Office: Minneapolis

☐ Being Investigated

SEARCHED INDEXED
SERIALIZED FILED

JUN 11 1975

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(Mount Clipping in Space Below)

Means recovering from wound

BISMARCK, N.D. (UPI) — Russell Means, American Indian Movement (AIM) leader, recuperating today in St. Alexis Hospital here from a gunshot wound, said he understood a federal assault charge would be filed against him in connection with an incident on the Standing Rock Indian Reservation Saturday.

Means and Bureau of Indian Affairs (BIA) police gave conflicting accounts of how the shooting occurred, and whether Means was shot in the back or abdomen. Doc-

tors declined to say.

A BIA criminal investigator said Means, 37, was shot in the abdomen by a BIA police officer after Means and a group of some 20 AIM members accused the police of harassing the group.

But the wounded AIM leader said he was shot by the police officer's son, and that the bullet entered his back just below the lung. Means said he hoped to clear up the assault charge.

(Indicate page, name of newspaper, city and state.)

21 ST. PAUL DISPATCH
St. Paul, Minn.

Date: June 9, 1975
Edition: Evening
Author:
Editor: H.G. Burnham, Jr.
Title: AIM

Character:

or

Classification: 89-1058

Submitting Office: Minneapolis

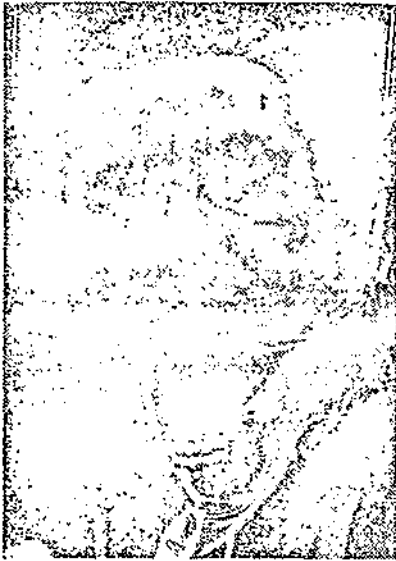
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89-231-14

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SERIALIZED	FILED
JUN 11 1975	

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(Mount Clipping in Space Below)



RUSSELL MEANS

BIA says shooting Means 'accidental'

BISMARCK, N.D. (AP)—American Indian Movement (AIM) leader Russell Means is in satisfactory condition in a Bismarck hospital with a gunshot wound suffered during an incident on Standing Rock Reservation. Bureau of Indian Affairs (BIA) officials said Sunday.

The BIA said Means, a key figure in AIM's 71-day occupation of Wounded Knee, S.D., in 1973, was accidentally shot in the abdomen Saturday, by a bureau police officer, Lt. Pat Kelly, 45.

Means says the BIA report is "completely erroneous," and that he was shot by Kelly's son.

Henry Gayton, special agency officer, said the AIM leader was shot during a scuffle involving Means, other AIM members and Kelly, when the officers' gun accidentally discharged.

"In the scuffle his gun discharged," Gayton said. "It was an accident."

The incident occurred near the Cannonball Bridge in Sioux County, officials said.

(Indicate page, name of newspaper, city and state.)

17 ST. PAUL PIONEER
PRESS
St. Paul, Minn.

Date: June 9, 1975

Edition: Morning

Author:

Editor: William G. Sumner

Title: Russell Means

Character:

or

Classification: **39-**

Submitting Office: Minneapolis

☐ Being Investigated

SEARCHED INDEXED
SERIALIZED FILED

JUN 11 1975

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b7c

(Mount Clipping in Space Below)

BIA plotted his shooting, Means says

By RANDY FURST
Minneapolis Star Staff Writer

American Indian Movement leader Russell Means, hospitalized at Bismarck, N.D., with a bullet wound in his abdomen, charged today that the Bureau of Indian Affairs (BIA) had engineered the shooting to run him off the Standing Rock Indian Reservation.

Means said he was shot in the back, then taken to jail where he bled for two hours before he was moved to the St. Alexis Hospital.

The BIA claims that Means was shot accidentally during a scuffle Saturday.

Means was charged in Bismarck today with assaulting a federal officer, the BIA said. The charge was filed by the Federal Bureau of Investigation.

The U.S. attorney's office in Bismarck said today it has issued a warrant for Means' arrest.

The warrant alleges Means "did resist, oppose, impede and interfere with Pat Kelly, a lieutenant of police of the Bureau of Indian Affairs in Cannon Ball, while Kelly was in performance of official duties."

MEANS SAID in a telephone interview with the Minneapolis Star today that he was "weak." The hospital said that he was in "satisfactory condition" but did not know when he would be released.

Means' and the BIA account of the shooting differ sharply.

The BIA said that Means was being sought in connection with an assault on two persons in a bar earlier in the day.

The BIA said that Means was

shot by Lt. Kelly, 45, during a scuffle involving Means, other AIM members and Kelly on the Standing Rock Reservation.

CALVIN YELLOWROBE, BIA criminal investigator, said in a phone interview that the shooting was accidental and occurred after Kelly tried to break up a fight that Means had started.

Means claims, however, that Kelly stopped the car he was driving in, and "grabbed the driver of the car, Tom Poor Bear, by the hair and started pulling him around."

Means said he got out of the car, with other AIM members, to "break up the scuffle" when he was shot.

Means says he was shot by Kelly's son, not by Kelly. Means said the BIA was claiming Kelly did the shooting because his son was not authorized to carry the gun, let alone shoot it.

Means said he did not assault anyone in a bar nor was he in a bar. "The BIA made that up to discredit anything I have to say to the press, and make it seem that whatever incident I'm in has something to do with a bar," Means said.

Means said that he has applied for a job to head a youth ranch on the Standing Rock Reservation, and the "BIA has been putting pressure on the tribe not to hire me." He said the BIA threatened to get the ranch's federal funds cut off.

The BIA said today that there was no truth to the story that Kelly's son had shot Means or that the BIA had started the fight.

A BIA spokesman also denied that the agency had attempted to stop the reservation from hiring Means.

"I'm not lending any dignity to that story," a BIA spokesman said.

Means was a leader of the 1973 seizure at Wounded Knee, S.D. Charges against him and Dennis Banks, another AIM leader, were dropped after a nine-month trial last year in St. Paul.

(Indicate page, name of newspaper, city and state.)

11A MINNEAPOLIS STAR
Minneapolis, Minn.

Date: June 9, 1975
Edition: Evening
Author:
Editor: Lee Canning
Title: Russell Means

Character:

or

Classification: 89-

Submitting Office: Minneapolis

☐ Being Investigated

SEARCHED INDEXED
SERIALIZED FILED
JUN 11 1975
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RUSSELL MEANS

Wounded by gunshot

(Mount Clipping in Space Below)



Russell Means

AIM leader Means shot on N.D. reservation

By Tom Davies
Staff Writer

American Indian Movement (AIM) leader Russell Means was listed in satisfactory condition Sunday in a Bismarck, N.D., hospital, recuperating from a gunshot wound he received Saturday.

That much everyone agrees on. However, Means's explanation of what happened—who shot him, where he was hit and why—differed significantly from the explanation provided by Bureau of Indian Affairs (BIA) officials on the Standing Rock Reservation in south-central North Dakota.

BIA officials said yesterday that Means was shot accidentally about 4 p.m. Saturday near the Cannonball Bridge on the reservation by BIA police Lt. Pat Kelly, 45. The BIA said Kelly's pistol discharged during a scuffle with Means, hitting Means in the lower abdomen.

Means said in an interview from St. Alexis Hospital in Bismarck that he was shot in the lower back by Kelly's son. Means said that he

was shot as he was trying to break up a scuffle between the elder Kelly and Tom Poor Bear, a member of Means's party.

In what BIA officials said might be a related incident, the liquor store owned by the elder Kelly's wife was robbed and severely damaged by fire about 12 hours after Means was shot. The body of a young man was found in the burned-out liquor store yesterday morning.

A BIA official in Cannonball, N.D., said yesterday that one of two juveniles allegedly involved in the liquor-store incident was in custody. The other juvenile, the BIA official said, apparently was overcome by gas fumes or smoke and was unable to get out of the burning store.

The BIA official said the juveniles were from the Turtle Mountain Reservation in north-central North Dakota. One of the juveniles, the official said, is the brother of one of the people arrested with Means in the incident Saturday.

The BIA explained the shooting this way:

Means was wanted for questioning in connection with an incident earlier Saturday in which two men claimed they were beaten by Means. Lt. Kelly was on patrol about 3:40, taking his son to work as a dispatcher for the BIA police.

According to the BIA, Kelly saw a couple of cars and a pickup truck parked next to the Cannonball Bridge. As he passed the vehicle, the BIA said, Means somehow motioned for the car to stop.

The BIA said Means then asked Kelly why the BIA police were harassing him, and words were exchanged between Means and Kelly's son.

At this point, according to the BIA, Tom Poor Bear approached Kelly's son, and Kelly drew his pistol. A scuffle ensued, the BIA said, between Means and the elder Kelly.

(Indicate page, name of newspaper, city and state.)

1A& MINNEAPOLIS TRIBUNE
4A Minneapolis, Minn

Date: June 9, 1975
Edition: Morning
Author: Tom Davies
Editor: Charles W. Bailor
Title: Russell Means

Character:

or

Classification: 89-

Submitting Office: Minneapolis

☐ Being Investigated

SEARCHED INDEXED
SERIALIZED FILED

JUN 11 1975

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b7c

During the scuffle, the BIA said, Kelly's pistol discharged, sending a bullet into Means's abdomen, just above the hip.

However, Means explains the shooting this way:

Means said he was in a three or four car caravan Saturday afternoon on his way to do some roping and riding on the reservation. Kelly's vehicle met the caravan on the highway, Means said, and ordered it to pull off the road.

In the ensuing discussion, Means said, the elder Kelly got into a fight with Poor Bear. Means said he tried to break it up.

"I'm trying to get a job on a youth ranch up there," Means said from his hospital bed yesterday, "so I didn't want any trouble. I tried to break it up, and that's when I was shot."

Means said he was shot by Kelly's son. "He shot me in the back," he said. "The first time I saw him he was standing with a shotgun keeping the others away from me."

Means said the bullet entered his back just below the lung and came out near his hip. He said the bullet damaged part of his spleen, but no other organs.

After the shooting, Means was taken to St. Alexis hospital in Bismarck, where he arrived about seven hours later. Hospital officials said Means's wound did not require surgery to treat and that he was "doing pretty good."

Hospital officials, however, were unwilling to discuss the nature of the wound. Neither the hospital supervisor nor the attending physician would say where the wound entry was — in Means's back or abdomen.

All a hospital spokesman would say was that Means was "hit in the flank area."

Means, who expects to be out of the hospital in two or three days, said he was "a little weak and uncomfortable" but "all right" yesterday. His biggest worry about the wound, he said, was that it might leave him with a limp.

BIA officials said Means still has to face charges stemming from the incident at Fort Rice, N.D., in which the two men were beaten. He is also facing four trials in Nebraska and South Dakota on charges ranging from rioting to being an accomplice to murder.

Recently, the codefendant in the nine-month trial in St. Paul resulting from the 1973 occupation of Wounded Knee, S.D., said he was "not going to do anything that jeopardizes my freedom anymore."

Means said he wanted the job on the Standing Rock Reservation as executive director of a youth ranch for juvenile boys with behavior problems so he could help Indian people in one-to-one relationships.

Means said the tribal people and a majority of the ranch's board of directors support him, but that the BIA is trying to dissuade them from hiring him.

In Reply, Please Refer to

File No. MP 89-231

FBI CASE STATUS FORM

Date: June 8, 1975To : HAROLD O. BULLIS *Name and location of USA* FARGO, NORTH DAKOTAFrom: JOSEPH H. TRUMBACH *Name of Special Agent in Charge and Field Division* MINNEAPOLIS *Signature of Special Agent in Charge*

You are hereby advised of action indicated below:

Re : MALE 20
*Sex Age*Title 18, U.S. Code, Section 111, Assaulting Federal Officer
*Violation (Include Section and Title Numbers of United States Code)*Complaint authorized on 6/8/75 by AUSA
*Date*Bond recommended \$5000 Cash or surety b6
b7CComplaint filed by *Name* on 6/8/75
*Date*with HARRY J. PEARCE BISMARCK, NORTH DAKOTA and warrant issued.
U. S. Magistrate

Facts on which complaint authorized and other pertinent information about case:

Complaint based on a statement by Lieutenant of Police, Bureau of Indian Affairs, Cannon Ball, North Dakota, that on 6/7/75, RUSSELL CHARLES MEANS jumped in front of moving police vehicle forcing to stop; and when MEANS and were arrested by for violation of Tribal Code 8.17d, and MEANS resisted, opposed, impeded and interfered with while in the performance of his official duties, and forced to physically subdue them. The complaint further states the offense occurred at a point near Cannon Ball, N.D., on Highway 1806, within the exterior boundaries of the Standing Rock Indian Reservation, in Indian Country, and that BIA, Cannon Ball, N.D., is a material witness to the offense.

1 - USA, Fargo, N.D. (Mailed directly to USA from Bismarck, N.D.)
 ① - Minneapolis (89-231)

(2)

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89-231-18

In Reply, Please Refer to

File No. MP 89-231

FBI CASE STATUS FORM

Date: June 8, 1975To : HAROLD O. BULLIS Name and location of USA FARGO, NORTH DAKOTAFrom: JOSEPH H. TRIMBACH Name of Special Agent in Charge and Field Division MINNEAPOLIS Signature of Special Agent in Charge

You are hereby advised of action indicated below:

Re : RUSSELL CHARLES MEANS Name MALE Sex 36 AgeTitle 18, U.S. Code, Section 111 Violation (Include Section and Title Numbers of United States Code) Assaulting Federal OfficerComplaint authorized on 6/8/75 Date by AUSA [REDACTED] b6 b7CBond recommended \$5000 Cash or suretyComplaint filed by [REDACTED] Name on 6/8/75 Datewith HARRY J. PEARCE U. S. Magistrate BISMARCK, NORTH DAKOTA and warrant issued.

Facts on which complaint authorized and other pertinent information about case:

Complaint based on a statement by [REDACTED] Lieutenant of Police, Bureau of Indian Affairs, Cannon Ball, North Dakota, that on 6/7/75, RUSSELL CHARLES MEANS jumped in front of [REDACTED] moving police vehicle forcing [REDACTED] to stop; and when MEANS and [REDACTED] were arrested by [REDACTED] for violation of Tribal Code 8.17d, [REDACTED] and MEANS resisted, opposed, impeded and interfered with [REDACTED] while in the performance of his official duties, and forced [REDACTED] to physically subdue them. The complaint further states the offense occurred at a point near Cannon Ball, N.D., on Highway 1806, within the exterior boundaries of the Standing Rock Indian Reservation. In Indian Country, and that [REDACTED] BIA, Cannon Ball, N.D. is a material witness to the offense.

1 - USA, Fargo, N.D. (Mailed directly to USA from Bismarck, N.D.)
 ① - Minneapolis (89-231)
[REDACTED]

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89-231-20

Searched.....
Serialized.....
Indexed.....
Filed.....

United States District Court

FOR THE

SOUTHWESTERN DIVISION - DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA

v

RUSSELL CHARLES MEANS;
THOMAS RICHARD POOR BEAR

Magistrate's Docket No.

Case No.

COMPLAINT for VIOLATION of

U.S.C. Title 18,

Section 111

BEFORE HARRY J. PEARCE

Name of Magistrate

Box 400, Bismarck, North Dakota

Address of Magistrate

The undersigned complainant being duly sworn states:

That on or about June 7, 1975, at a point near Cannon Ball, No. Dak., on Highway 1806, within the exterior boundaries of the Standing Rock Indian Reservation, in Indian country, within the exclusive jurisdiction of the United States, in the Southwestern Division, District of North Dakota,

(1) RUSSELL CHARLES MEANS, an American Indian male born 11/10/39; and
THOMAS RICHARD POOR BEAR, an American Indian male born 12/11/54,
did(2)

resist, oppose, impede and interfere with PAT KELLY, Lieutenant of Police, Bureau of Indian Affairs, Cannon Ball, North Dakota, while Lt. PAT KELLY was in performance of his official duties.

And the complainant states that this complaint is based on a statement by Lt. PAT KELLY, Bureau of Indian Affairs, Cannon Ball, North Dakota, that on June 7, 1975, RUSSELL CHARLES MEANS jumped in front of Lt. KELLY's moving police vehicle forcing Lt. KELLY to stop; and when MEANS and THOMAS RICHARD POOR BEAR were arrested by Lt. KELLY for violation of Tribal Code Section 8.17d, POOR BEAR and MEANS resisted, opposed, impeded and interfered with Lt. KELLY and forced Lt. KELLY to physically subdue them.

And the complainant further states that he believes that Lt. PAT KELLY, Bureau of Indian Affairs, Cannon Ball, North Dakota; and THEODORE PATRICK KELLY, Bureau of Indian Affairs, Cannon Ball, North Dakota,

are material witnesses in relation to this charge.

WILLIAM W. WILLIS
Special Agent, FBI

Signature of Complainant.

Official Title.

Sworn to before me, and subscribed in my presence, _____, 19____

HARRY J. PEARCE,

United States Magistrate.

(1) Insert name of accused.

(2) Insert statement of the essential facts constituting the offense charged.

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE MINNEAPOLIS	OFFICE OF ORIGIN MINNEAPOLIS	DATE 6/13/75	INVESTIGATIVE PERIOD 6/7-10/75
TITLE OF CASE RUSSELL CHARLES MEANS.		REPORT MADE BY SA [REDACTED]	TYPED BY ll
[REDACTED] LT. [REDACTED] BUREAU OF INDIAN AFFAIRS - [REDACTED]		CHARACTER OF CASE AFO	

REFERENCE:

Minneapolis teletypes to the Bureau, 6/7/75, 6/9/75, and 6/10/75.

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ADMINISTRATIVE:

Fugitive form letter (FD-65) for [REDACTED] submitted 6/10/75.

RUSSELL CHARLES MEANS arrested prior to transcription of FD-65. Fugitive credit claimed.

FBI Case Status Forms (FD-320) for [REDACTED] and RUSSELL CHARLES MEANS, submitted to U. S. Attorney, Fargo, North Dakota, 6/8/75.

ACCOMPLISHMENTS CLAIMED						<input type="checkbox"/> NONE	ACQUIT-TALS	CASE HAS BEEN:
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES			
		1-MP						PENDING OVER ONE YEAR <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
APPROVED						SPECIAL AGENT IN CHARGE		
COPIES MADE:						DO NOT WRITE IN SPACES BELOW		
3 - Bureau						89-231-21		
1 - USA, Fargo, North Dakota						[REDACTED]		
1 - USA, Sioux Falls, South Dakota						[REDACTED]		
4 - Minneapolis (89-231)						[REDACTED]		
Dissemination Record of Attached Report								
Agency								
Request Recd.								
Date Fwd.								
How Fwd.								
By								

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COVER PAGE

ADMINISTRATIVE CONT.

An extra copy of this report is being furnished to FBIHQ in order to disseminate a copy to [redacted] Office of Indian Rights, Civil Rights Division, U. S. Department of Justice.

LEADS

MINNEAPOLIS

AT BISMARCK, NORTH DAKOTA

1. Attempt to locate and apprehend [redacted]
[redacted] offense.
2. Identify and interview witnesses to captioned offense.
3. Obtain medical reports concerning RUSSELL CHARLES MEANS.
4. Follow and report prosecutive action in USDC, Bismarck.

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AT MANDAREE (FT. BERTHOLD INDIAN RESERVATION),
NORTH DAKOTA

Attempt to locate and interview witnesses [redacted]
[redacted] and [redacted]

AT ROSEBUD, SOUTH DAKOTA

1. Alert BIA officials concerning [redacted]
fugitive status and attempt to locate and apprehend [redacted]

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, Fargo, North Dakota
1 - USA, Sioux Falls, South Dakota

Report of:

Date: June 13, 1975

Office: Minneapolis, Minnesota

Field Office File #: 89-231

Bureau File #:

Title: RUSSELL CHARLES MEANS:

LIEUTENANT [REDACTED] BUREAU
OF INDIAN AFFAIRS - [REDACTED]

b6
b7C

Character:

ASSAULT OF A FEDERAL OFFICER

Synopsis:

RUSSELL CHARLES MEANS, an American Indian male born 11/10/39, and [REDACTED] an American Indian male born [REDACTED] were arrested by [REDACTED] Lieutenant of Police, Bureau of Indian Affairs (BIA), near Cannon Ball, North Dakota, on the Standing Rock Indian Reservation, on 6/7/75, for violation of a tribal ordinance. MEANS and [REDACTED] resisted arrest forcing Lieutenant [REDACTED] to physically subdue them. MEANS was shot in the left side and buttock when Lieutenant [REDACTED] revolver accidentally discharged. On 6/8/75, [REDACTED] Assistant U. S. Attorney, Bismarck, North Dakota, authorized prosecution of MEANS and [REDACTED] for violation of Title 18, Section 111, U. S. Code; and recommended \$5,000 bond, cash or surety for each defendant. A complaint was filed by SA [REDACTED] on 6/8/75, before HARRY J. PEARCE, U. S. Magistrate, Bismarck, who issued warrants of arrest for MEANS and [REDACTED]. MEANS was placed under arrest by U. S. Marshal [REDACTED] at St. Alexius Hospital, Bismarck, where MEANS was a patient, on 6/9/75. MEANS was released from custody on 6/10/75 by U. S. Magistrate PEARCE on \$5,000 unsecured bond. Preliminary hearing scheduled for 1:30 p.m., 6/19/75, U. S. District Court, Bismarck. MEANS taken into custody by Morton County, North Dakota, Sheriff LEO SNIDER, 6/10/75, following Federal release, for aggravated assault and battery; recommended bond \$25,000. FBI Identification Records for MEANS, FBI No. 877 277 C, and [REDACTED] FBI No. [REDACTED] set forth. ARMED AND DANGEROUS.

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DETAILS:

At Bismarck, North Dakota

This investigation was predicated upon receipt of a telephone call from [redacted] Special Officer, Bureau of Indian Affairs, Ft. Yates, North Dakota, at 5:10 p.m., on June 7, 1975, advising that RUSSELL CHARLES MEANS had been shot accidentally by Lieutenant [redacted] Bureau of Indian Affairs, Cannon Ball, North Dakota, on June 7, 1975, when MEANS had resisted arrest by Lieutenant [redacted]. Mr. [redacted] advised that other individuals were also in custody in connection with the incident.

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FEDERAL BUREAU OF INVESTIGATION

(1)

6/13/75

Date of transcription

[redacted] Ft. Rice Bar, Ft. Rice, Morton County, North Dakota, provided the following information, commencing at approximately 6:45 p.m., June 7, 1975, concerning an incident which allegedly took place at the Ft. Rice Bar during the afternoon of June 7, 1975:

At approximately 2:30 p.m., C.D.T., June 7, 1975, three Indians came into the Ft. Rice Bar where [redacted]. One man came to the bar, and two sat at tables. Several more Indians then came into the bar.

[redacted] observed [redacted] standing at one end of the bar. RUSSELL MEANS came up to the bar and [redacted] observed that MEANS was holding a 30-30 rifle. The Indians were looking for [redacted] Buckhorn Bar, Mandan, North Dakota.

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MEANS was trying to place a round of ammunition in the rifle and [redacted]

[redacted] and [redacted] were customers in the bar. An unknown Indian male began picking on [redacted]

[redacted] came around to the table area from behind the bar and [redacted] got hit with a rifle, but [redacted] did not actually observe the striking. After several of the Indians beat up [redacted] they beat up [redacted] got away and went to report what had happened to [redacted] Ft. Rice Bar, and [redacted] subsequently reported the incident to the Morton County Sheriff.

Interviewed on 6/7/75 at Ft. Rice, Morton County, File # MP 89-231
by SA'S [redacted] 11 Date dictated 6/11/75

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FEDERAL BUREAU OF INVESTIGATION

(1)

Date of transcription 6/13/75

[redacted] Special Officer, Bureau of Indian Affairs (BIA), Fort Yates, North Dakota, provided the following information:

At 3:42 p.m., June 7, 1975, a radio message was received at the Police Department, Ft. Yates, from the Morton County Sheriff's Office, Mandan, North Dakota, that RUSSELL MEANS, and a group of Indians had assaulted two persons at Ft. Rice, Morton County, North Dakota. The identities of the victims were not furnished by the Morton County Sheriff.

At 3:52 p.m., Lieutenant [redacted] BIA, observed several individuals, a pickup truck, and three other vehicles just south of the Cannon Ball River, on the Standing Rock Indian Reservation, that he considered were possibly related to the alleged offense at Ft. Rice. Lieutenant [redacted] was accompanied by [redacted] whom Lieutenant [redacted] to assist him in the investigation.

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At 4:31 p.m., Lieutenant [redacted] was stopped by RUSSELL MEANS, who was standing in the middle of the highway, south of the [redacted] residence in Sioux County, on the Standing Rock Indian Reservation. Lieutenant [redacted] got out of his police vehicle and MEANS asked Lieutenant [redacted] what he wanted. [redacted] replied, "Nothing, what do you want?" [redacted] told Lieutenant [redacted] "We don't want you harassing us". Lieutenant [redacted] replied, "I'm not harassing you. If I was harassing you, I'd be over checking you out". RUSSELL MEANS stated, "Check me out then." [redacted] replied, "I have no reason to check you out". MEANS was standing in front of [redacted] police vehicle.

MEANS then asked [redacted] "Who are you?" [redacted] replied, "I'm [redacted]". MEANS said, "You're a tough son of a bitch". [redacted] then started moving toward [redacted] so Lieutenant [redacted] grabbed him, [redacted] resisted, and Lieutenant [redacted] said, "You're under arrest". MEANS started towards Lieutenant [redacted] so [redacted] said to MEANS, "You're under arrest, too".

At this point, others in MEANS' group began to surround Lieutenant [redacted] as Lieutenant [redacted] was holding on to [redacted]

Interviewed on 6/7/75 at Ft. Yates, North Dakota File # MP 89-231

by SA'S [redacted]

11

Date dictated 6/10/75

MP 89-231

Lieutenant [] drew his revolver and threw RUSSELL MEANS down and in doing so, Lieutenant [] revolver discharged accidentally. The bullet apparently ricocheted off the highway surface striking MEANS in the buttock.

MEANS then refused to get in the police vehicle, requiring Lieutenant [] to pick up MEANS and place him in the vehicle.

[] held off the rest of MEANS' group with a riot gun and the group dispersed. Lieutenant [] transported [] and MEANS to Ft. Yates and was followed there by the same group.

At 5:00 p.m., MEANS refused medical assistance from Dr. [] at the U. S. Public Health Service Hospital, Ft. Yates, North Dakota. MEANS stated he would receive treatment from his medicine man, stating to Dr. [] that he knew his rights and could not be compelled to receive medical treatment. Special Officer [] then instructed Lieutenant [] to place MEANS in the Ft. Yates jail.

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Taken into BIA custody at Ft. Yates, besides RUSSELL MEANS and [] who was born [] Social Security Account Number [] a resident of Rosebud, South Dakota, were the following:

[] Blaine, Minnesota, born [] Social Security Account Number []

[] United Tribes Employment Training Center, Bismarck, North Dakota, born [] Social Security Account Number []

[] not further described;

[] not further described;

[] born [] and
[] born []

MP 89-231

Mr. [REDACTED] advised Complaints for presentation before the Tribal Court, Standing Rock Sioux Tribe, Ft. Yates, North Dakota, had been prepared by the Ft. Yates Police Department, charging violation of tribal code as follows:

No. One

Defendant
Complainant
Date of Offense
Tribal Code Violation
Charge

RUSSELL MEANS

Lieutenant [REDACTED]

June 7, 1975

Section 8.17D

"Defendant did willfully and unlawfully, while intoxicated did stagger on to the highway into the driving lane."

No. Two

Defendant
Complainant
Date of offense
Tribal Code violation
Charge

[REDACTED]
Lieutenant [REDACTED]
[REDACTED]

Section 8.17D

"Defendant did willfully and unlawfully, while under the influence of intoxicating substance stagger on the driving lane of a hiway."

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No. Three

Defendant
Complainant
Date of offense
Tribal Code violation
Charge

[REDACTED]
Section 8.6A

"Defendant did willfully and unlawfully operate a motor vehicle in a reckless and careless manner by chasing a police unit on a emergency run, at high rate of speed."

No. Four

Defendant
Complainant
Date of offense
Tribal Code violation
Charge

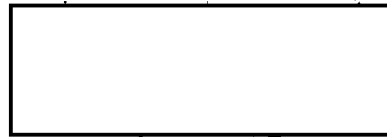


Section 8.9

"Defendant did willfully and unlawfully operate a motor vehicle and follow a police unit bumper to bumper at a high rate of speed."

No. Five

Defendant
Complainant
Date of offense
Tribal Code violation
Charge



Section 9.37

"Defendant did willfully and unlawfully resist arrest, when he was lawfully arrested, and refused to get into the police unit. Subject was subdued by force, to effect the arrest."

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No. Six

Defendant
Complainant
Date of offense
Tribal Code violation
Charge

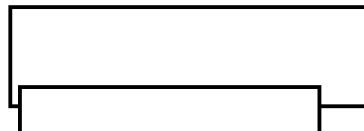


Section 9.37

"Defendant did willfully and unlawfully interfere with the lodging of prisoners at Standing Rock Police Department. Advised the subject to leave twice. Subject refused."

No. Seven

Defendant
Complainant
Date of offense
Tribal Code violation
Charge



Section 9.37

"Defendant did willfully and unlawfully attempt to swing at this officer while I was advising the subject to leave the Police Department."

MP 89-231

No. Eight

Defendant
Complain FARRELL EAGLEMAN
Date of offense
Tribal Code violation
Charge



Section 9.36

"Defendant did willfully and unlawfully resist lawful arrest after he was advised that he was under arrest for disturbing the peace."

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The above complaints were to be heard by VICTOR PALMER, Tribal Judge, Standing Rock Sioux Tribe, Ft. Yates, North Dakota.

RUSSELL MEANS was taken later to the U. S. Public Health Service Hospital at Ft. Yates for treatment, by BIA Police Officers [redacted] and [redacted]

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 6/13/75

Lieutenant [] Bureau of Indian Affairs (BIA) Police Officer, assigned to the Standing Rock Indian Reservation, and a resident of Cannon Ball, North Dakota, provided the following information concerning his arrest of RUSSELL MEANS:

Lieutenant [] had provided a statement concerning the arrest to [] Special Officer, BIA, Ft. Yates prior to being interviewed by Special Agents [] and [] and Lieutenant [] stated that statement was true and correct.

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Lieutenant [] added he had responded to the State Radio (IDRCD) request for assistance in locating persons responsible for an alleged assault at the Ft. Rice Bar in Morton County, and that just south of the Cannon Ball River, on Highway 1806 on the Standing Rock Indian Reservation, RUSSELL MEANS had jumped in front of his police vehicle, forcing Lieutenant [] to stop.

When Lieutenant [] placed [] and RUSSELL MEANS under arrest for violation of the Tribal Code, [] resisted. Lieutenant [] grabbed [] by the shoulder and when RUSSELL MEANS and officers began moving towards him, Lieutenant [] drew his revolver. When RUSSELL MEANS advanced towards him, Lieutenant [] threw MEANS to the ground with his right hand, in which he also was holding his police revolver. The revolver accidentally discharged and the bullet apparently bounced off the pavement striking MEANS in the buttock.

RUSSELL MEANS refused to get up off the pavement and Lieutenant [] had to lift him up and place him in the police vehicle. [] placed [] in the police vehicle and both were transported to Ft. Yates.

MEANS' companions pursued the police vehicle, tailgating it at a high rate of speed.

Interviewed on 6/7/75 at Ft. Yates, North Dakota File # MP 89-231

by SA'S [] 11 -10- Date dictated 6/11/75

FEDERAL BUREAU OF INVESTIGATION

(1)

Date of transcription 6/13/75

[redacted] also known as [redacted] Radio Operator, Bureau of Indian Affairs, Ft. Yates, North Dakota, was interviewed at the Ft. Yates Police Department, commencing at 8:34 p.m., and he provided the following information:

[redacted] was being driven to work from his residence at Cannon Ball, North Dakota, to Ft. Yates, by [redacted] Lieutenant of Police, Bureau of Indian Affairs (BIA) on June 7, 1975, shortly before 4:00 p.m., the time [redacted] was to report for duty. While en route, [redacted] and LIEUTENANT [redacted] heard a radio message from State Radio (North Dakota Radio Communications Department) concerning an offense which took place at Ft. Rice, North Dakota, involving RUSSELL MEANS. The radio transmission indicated RUSSELL MEANS and others might be heading toward the Standing Rock Indian Reservation.

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Lieutenant [redacted] to assist him in checking out the state radio report and they drove toward the Sioux County-Morton County line. As they neared the Cannon Ball River, [redacted] observed several vehicles parked in the ditch on the west side of the road a short distance south of the river. They drove across the Cannon Ball Bridge, drove east one-half mile, and returned across the bridge. As they drove by the parked cars, several people waved.

Lieutenant [redacted] and [redacted] drove to the Cannon Ball junction and waited 10 to 15 minutes. They returned to the location of the parked vehicles and all but one vehicle was gone. Lieutenant [redacted] had radioed to Ft. Yates that he was returning to that location. Lieutenant [redacted] turned around again at the Cannon Ball River, and as they drove back south down Highway 1806 a person in a red shirt jumped out of a black pickup truck. It was [redacted] and he said a "white guy" had pulled a gun on his group at Ft. Rice. Lieutenant [redacted] and [redacted] returned to the Cannon Ball Junction and reported by radio to Ft. Yates.

Interviewed on 6/7/75 at Ft. Yates, North Dakota File # MP 89-231

by SA'S [redacted] 11 Date dictated 6/11/75

MP 89-231
(2*)

Ft. Yates radio instructed Lieutenant [] to go back and find out the names of all the persons present at the location of the vehicles near the Cannon Ball River.

Several vehicles were parked by the road when Lieutenant [] and [] arrived. RUSSELL MEANS jumped out in front of Lieutenant [] police vehicle and stopped the []. RUSSELL MEANS asked Lieutenant [] why he was harassing them and Lieutenant [] replied that he was not. MEANS asked Lieutenant [] why he did not check him out.

RUSSELL MEANS then turned to [] and said, "What's your name?" [] replied, []. MEANS then said to [] "You're a tough son-of-a-bitch". [] did not reply.

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b7C

[] then scuffled with Lieutenant []. RUSSELL MEANS turned around to help [] and several others came to help MEANS. [] grabbed a shotgun from the police car and stopped the others from interfering. [] heard a shot fired, but he did not observe it being fired. [] then ran toward [] but he stopped after [] told him twice to stop or he would shoot him.

Lieutenant [] placed [] and RUSSELL MEANS under arrest. [] had to force [] at gun point into the police vehicle. Lieutenant [] had to carry RUSSELL MEANS into the police vehicle.

One of the MEANS' men tailgated Lieutenant [] police vehicle all the way south to the Porcupine Bridge, where other BIA police officers intercepted them and placed RUSSELL MEANS' companions under arrest. The vehicle behind the police car bumped into the police car several times while both vehicles were traveling at a high rate of speed.

[] described himself as having been born on [] at McLaughlin, South Dakota, 5'11", 155 pounds. He has been Radio Dispatcher at the Ft. Yates Police Department since []. He resides at Cannon Ball, North Dakota.

FEDERAL BUREAU OF INVESTIGATION

(1*)

Date of transcription 6/10/75

[redacted] Agency Special Officer, Bureau of Indian Affairs (BIA), Ft. Yates, North Dakota, provided the following information concerning injuries sustained by RUSSELL CHARLES MEANS on June 7, 1975, when accidentally shot by Lieutenant [redacted]

The projectile appeared to have entered the left front side below the rib cage above the hip. It traveled at a downward angle and exited at a point approximately 4-5" below the point of entry. It was a clean wound and it was difficult to identify entry and exit points. The wound appeared to be consistent with that which would be made with a .38 caliber revolver.

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b7C

The above observations were made by Mr. [redacted] when he observed RUSSELL MEANS on June 7, 1975, at Ft. Yates.

Interviewed on 6/10/75 at Bismarck, North Dakota File # MP 89-231

by SA [redacted] 11 -13- Date dictated 6/11/75

PROSECUTION: FEDERAL

The facts of this case were presented to [redacted] Assistant U. S. Attorney, Bismarck, North Dakota, by SA [redacted] on June 7, 1975, and June 8, 1975.

On June 8, 1975, Mr. [redacted] authorized prosecution of RUSSELL CHARLES MEANS and [redacted] for violation of Title 18, United States Code, Section 111, for resisting, opposing, impeding, and interfering with Lieutenant [redacted] Bureau of Indian Affairs (BIA). Mr. [redacted] recommended that bond be set at \$5,000, cash or surety, for each defendant.

A complaint was filed by SA [redacted] before HARRY J. PEARCE, U. S. Magistrate, Bismarck, North Dakota, on June 8, 1975, charging violation of Title 18, U. S. Code, Section 111, "That on or about June 7, 1975, at a point near Cannon Ball, North Dakota, on Highway 1806, with the exterior boundaries of the Standing Rock Indian Reservation, in Indian country, within the exclusive jurisdiction of the United States, in the Southwestern Division, District of North Dakota, RUSSELL CHARLES MEANS an American Indian male born November 10, 1939; and [redacted] an American Indian male born [redacted] did resist, oppose, impede, and interfere with [redacted] Lieutenant of Police, Bureau of Indian Affairs, Cannon Ball, North Dakota, while Lieutenant [redacted] was in performance of his official duties. And the complainant states that this complaint is based on a statement by Lieutenant [redacted] Bureau of Indian Affairs, Cannon Ball, North Dakota, that on June 7, 1975, RUSSELL CHARLES MEANS jumped in front of Lieutenant [redacted] moving police vehicle forcing Lieutenant [redacted] to stop; and when MEANS and [redacted] were arrested by Lieutenant [redacted] for violation of Tribal Code Section 8.17d, [redacted] and MEANS resisted, opposed, impeded and interfered with Lieutenant [redacted] and forced Lieutenant [redacted] to physically subdue them". Witnesses were listed as Lieutenant [redacted] and [redacted] BIA, both of Cannon Ball, North Dakota.

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Mr. PEARCE issued Warrants of Arrest for RUSSELL CHARLES MEANS and [redacted] on June 8, 1975.

MP 89-231

[redacted] 11

RUSSELL CHARLES MEANS was placed under arrest on June 9, 1975, at approximately 3:00 p.m., by U. S. Marshal [redacted] Deputy U. S. Marshal [redacted] SA [redacted] and SA [redacted] at St. Alexius Hospital, Bismarck, North Dakota, where MEANS was a patient.

MEANS was afforded a hearing before U. S. Magistrate PEARCE at St. Alexius Hospital on June 10, 1975, and MEANS was released on \$5,000 unsecured bond. MEANS indicated he was residing at United Tribes Employment Training Center, Bismarck, North Dakota, with [redacted]

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b7C

PROSECUTION: STATE

Sheriff LEO SNIDER, Morton County, Mandan, North Dakota, placed RUSSELL CHARLES MEANS under arrest at approximately 4:15 p.m., June 9, 1975, for "Aggravated Assault and Battery", in violation of Section 12-26-10, North Dakota Century Code. The victims of the assault were listed as [redacted] and [redacted]. Bond was recommended at \$25,000. Following release from custody of the U. S. Marshal, MEANS was taken into custody by Morton County authorities on June 10, 1975.

PROSECUTION: TRIBAL

[redacted] Agency Special Officer, BIA, Ft. Yates, North Dakota, stated on June 10, 1975, that persons charged with Tribal offenses at Ft. Yates, North Dakota, on June 7, 1975, are scheduled to appear in Tribal Court at Ft. Yates, on June 13, 1975.

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE MINNEAPOLIS	OFFICE OF ORIGIN MINNEAPOLIS	DATE 6/13/75	INVESTIGATIVE PERIOD 6/7-10/75
TITLE OF CASE RUSSELL CHARLES MEANS		REPORT MADE BY SA [REDACTED]	TYPED BY 11
[REDACTED] LT. [REDACTED] BUREAU OF INDIAN AFFAIRS - [REDACTED]		CHARACTER OF CASE AFO	

REFERENCE:

Minneapolis teletypes to the Bureau, 6/7/75, 6/9/75, and 6/10/75.

b6
b7c

-P-

ADMINISTRATIVE:

Fugitive form letter (FD-65) for [REDACTED] submitted 6/10/75.

RUSSELL CHARLES MEANS arrested prior to transcription of FD-65. Fugitive credit claimed.

FBI Case Status Forms (FD-320) for [REDACTED] and RUSSELL CHARLES MEANS, submitted to U. S. Attorney, Fargo, North Dakota, 6/8/75.

ACCOMPLISHMENTS CLAIMED						<input type="checkbox"/> NONE	ACQUIT-TALS	CASE HAS BEEN:
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES			
		1-MP						PENDING OVER ONE YEAR <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
APPROVED						SPECIAL AGENT IN CHARGE		
COPIES MADE:						DO NOT WRITE IN SPACES BELOW		
3 - Bureau (89-3220)						89-231-21		
1 - USA, Fargo, North Dakota								
1 - USA, Sioux Falls, South Dakota								
(4) - Minneapolis (89-231)								
Dissemination Record of Attached								
Agency								
Request Recd.								
Date Fwd.								
How Fwd.								
By								

-A-

COVER PAGE

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE MINNEAPOLIS	OFFICE OF ORIGIN MINNEAPOLIS	DATE 6/13/75	INVESTIGATIVE PERIOD 6/7-10/75
TITLE OF CASE RUSSELL CHARLES MEANS.		REPORT MADE BY SA 	TYPED BY 11
CHARACTER OF CASE LT. BUREAU OF INDIAN AFFAIRS - 		AFO	

REFERENCE:

Minneapolis teletypes to the Bureau, 6/7/75, 6/9/75, and 6/10/75.

b6
b7c

-P-

ADMINISTRATIVE:

Fugitive form letter (FD-65) for submitted 6/10/75.

RUSSELL CHARLES MEANS arrested prior to transcription of FD-65. Fugitive credit claimed.

FBI Case Status Forms (FD-320) for and RUSSELL CHARLES MEANS, submitted to U. S. Attorney, Fargo, North Dakota, 6/8/75.

ACCOMPLISHMENTS CLAIMED						<input type="checkbox"/> NONE	ACQUIT-TALS	CASE HAS BEEN:
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES			
		1-MP						PENDING OVER ONE YEAR <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

APPROVED	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW	
COPIES MADE: 3 - Bureau 1 - USA, Fargo, North Dakota 1 - USA, Sioux Falls, South Dakota ④ - Minneapolis (89-231)		89-231-21 Searched _____ Serialized _____ Indexed _____ <div style="border: 1px solid black; width: 250px; height: 100px; margin-top: 10px;"></div>	
Dissemination Record of Attached Report			
Agency			
Request Recd.			
Date Fwd.			
How Fwd.			
By			

-A-

COVER PAGE

(Mount Clipping in Space Below)



Russell Means

AIM leader Means shot on N.D. reservation

By Tom Davies
Staff Writer

American Indian Movement (AIM) leader Russell Means was listed in satisfactory condition Sunday in a Bismarck, N.D., hospital, recuperating from a gunshot wound he received Saturday.

That much everyone agrees on. However, Means's explanation of what happened—who shot him, where he was hit and why—differed significantly from the explanation provided by Bureau of Indian Affairs (BIA) officials on the Standing Rock Reservation in south-central North Dakota.

BIA officials said yesterday that Means was shot accidentally about 4 p.m. Saturday near the Cannonball Bridge on the reservation by BIA police Lt. Pat Kelly, 45. The BIA said Kelly's pistol discharged during a scuffle with Means, hitting Means in the lower abdomen.

Means said in an interview from St. Alexis Hospital in Bismarck that he was shot in the lower back by Kelly's son. Means said that he

was shot as he was trying to break up a scuffle between the elder Kelly and Tom Poor Bear, a member of Means's party.

In what BIA officials said might be a related incident, the liquor store owned by the elder Kelly's wife was robbed and severely damaged by fire about 12 hours after Means was shot. The body of a young man was found in the burned-out liquor store yesterday morning.

A BIA official in Cannonball, N.D., said yesterday that one of two juveniles allegedly involved in the liquor-store incident was in custody. The other juvenile, the BIA official said, apparently was overcome by gas fumes or smoke and was unable to get out of the burning store.

The BIA official said the juveniles were from the Turtle Mountain Reservation in north-central North Dakota. One of the juveniles, the official said, is the brother of one of the people arrested with Means in the incident Saturday.

The BIA explained the shooting this way:

Means was wanted for questioning in connection with an incident earlier Saturday in which two men claimed they were beaten by Means. Lt. Kelly was on patrol about 3:40, taking his son to work as a dispatcher for the BIA police.

According to the BIA, Kelly saw a couple of cars and a pickup truck parked next to the Cannonball Bridge. As he passed the vehicle, the BIA said, Means somehow motioned for the car to stop.

The BIA said Means then asked Kelly why the BIA police were harassing him, and words were exchanged between Means and Kelly's son.

At this point, according to the BIA, Tom Poor Bear approached Kelly's son, and Kelly drew his pistol. A scuffle ensued, the BIA said, between Means and the elder Kelly.

(Indicate page, name of newspaper, city and state.)

1A& MINNEAPOLIS TRIBUNE
4A Minneapolis, Minn.

Date: June 9, 1975
Edition: Morning
Author:
Editor: Charles W. Bailey
Title: Russell Means

Character:

or

Classification:

Submitting Office: Minneapolis

☐ Being Investigated

89-431-22
SEARCHED INDEXED
SERIALIZED FILED

JUN 16 1975

FBI - MINNEAPOLIS

During the scuffle, the BIA said, Kelly's pistol discharged, sending a bullet into Means's abdomen, just above the hip.

However, Means explains the shooting this way:

Means said he was in a three or four car caravan Saturday afternoon on his way to do some roping and riding on the reservation. Kelly's vehicle met the caravan on the highway, Means said, and ordered it to pull off the road.

In the ensuing discussion, Means said, the elder Kelly got into a fight with Poor Bear. Means said he tried to break it up.

"I'm trying to get a job on a youth ranch up there," Means said from his hospital bed yesterday. "I didn't want any trouble. I tried to break it up, and that's when I was shot."

Means said he was shot by Kelly's son. "He shot me in the back," he said. "The first time I saw him he was standing with a shotgun keeping the others away from me."

Means said the bullet entered his back just below the lung and came out near his hip. He said the bullet damaged part of his spleen, but not other organs.

After the shooting, Means was taken to St. Alexis hospital in Bismarck, where he arrived about seven hours later. Hospital officials said Means's wound did not require surgery to treat and that he was "doing pretty good."

Hospital officials, however, were unwilling to discuss the nature of the wound. Neither the hospital supervisor nor the attending physician would say where the wound's entry was — in Means's back or abdomen.

A hospital spokesman would not say what was that Means was "hit in the back area."

Means, who expects to be out of hospital in two or three days, said he was "a little weak and uncomfortable" but "all right" yesterday. His biggest worry about the wound, he said, was that it might leave him with a limp.

BIA officials said Means still has to face charges stemming from the incident at Fort Rice, N.D., in which the two men were beaten. He is facing four trials in Nebraska and South Dakota on charges ranging from rioting to being an accomplice to murder.

Means, the codefendant in the 1973 trial in St. Paul resulting from the 1973 occupation of Wounded Knee, S.D., said he was not going to do anything that "takes my freedom anymore."

Means said he wanted the job on the Standing Rock Reservation as executive director of a youth ranch for juvenile boys with behavior problems, so he could help Indian people in one-to-one relationships.

Means said the tribal people and a majority of the ranch's board of directors support him, but that the BIA is trying to dissuade them from hiring him.

(Mount Clipping in Space Below)

Kunstler says he's afraid Means may be assassinated

By DAVID E. EARLY
Minneapolis Star Staff Writer

Attorney William Kunstler says he fears American Indian Movement (AIM) leader Russell Means, who was shot in a scuffle in North Dakota Saturday, could become a target for assassination attempts.

In a press conference at Minneapolis-St. Paul International airport, Kunstler said he was returning to New York from North Dakota where he visited Means in the hospital. He made the trip, he said, "to ward off another Martin Luther King killing."

"America has a legacy of disposing of political malcontents by use of the executioner's bullet," Kunstler said. "I made the trip to show how seriously this incident should be taken. Russell is a ripe target for assassination. His life has lost all value."

KUNSTLER ATTENDED a bond hearing in Means' hospital room where the AIM leader was released on a \$25,000 personal recognizance bond. He is charged with assaulting a federal officer.

The stories surrounding the incident are "shrouded in mystery," said Kunstler.

The Bureau of Indian Affairs (BIA) says Means was accidentally shot in the abdomen during a struggle with BIA officer Pat Kelly on the Standing Rock Sioux reservation about 30 miles south of Bismarck.

But FBI officials and Means' doctor say he was shot in the back from a distance of more than 10 feet. Means says that while he struggled with Kelly, the officer's son, Ted, shot him in the back.

"I'm not saying this shooting was orchestrated or planned," Kunstler said, "but this is part of the payment of encouraging the outlaw status of people like Russell Means."



Star Photo by William Seaman
ATTY. WILLIAM KUNSTLER
Taped Means interview

(Indicate page, name of newspaper, city and state.)

24B MINNEAPOLIS STAR
Minneapolis, Minn.

Date: June 12, 1975
Edition: Evening
Author: David Early
Editor: Lee Canning
Title: Russell Means

Character:
or

Classification: 89-231
Submitting Office: Minneapolis

☐ Being Investigated

SEARCHED INDEXED
SERIALIZED FILED

JUN 13 1975

FBI - MINNEAPOLIS

CC Sent. To Bu RS 6-13-75

89-231-23

Kunstler said police in Bismarck say so many calls threatening Means' life have been received that they offered to move Means to a secret hospital location and guard his room until Tuesday when he is expected to be released.

MEANS REFUSED and said members of AIM would guard him.

Kunstler played a tape recording from a press conference held by Means yesterday in which Means said he had moved to North Dakota to avoid trouble but has been arrested twice and shot in the back since doing so.

"Wherever I go, anybody that falls down and gets a bruise I can get arrested for it," Means said on the tape.

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, MINNEAPOLIS (89-231) P

DATE: 6/13/75

FROM : SA [REDACTED]

b6
b7C

SUBJECT: RUSSELL CHARLES MEANS

DI. [REDACTED]
AFO

OO: MINNEAPOLIS

On 6/10/75, [REDACTED] [REDACTED], GSA, Bismarck, was advised that a preliminary hearing for MEANS is scheduled in Bismarck on 6/19/75 in the federal building, probably in one of the two court rooms. [REDACTED] telephonically advised Denver office of the Federal Protective Service (FPS), Captain [REDACTED] 303-837-3644 or 3514. [REDACTED] was advised of the potential crowd situation at the federal building by [REDACTED]. This writer talked to [REDACTED] and recommended that the presence of a few uniformed FPS personnel could be a stabilizing factor the day of the hearing. [REDACTED] agreed and stated his office would be in contact later.

On 6/11/75, [REDACTED] Investigator, FPS, Denver, telephonically contacted the Bismarck RA and was advised of the situation. [REDACTED] advised that he would be the FPS officer who determined the use of manpower, and that he desired to be kept informed of events in Bismarck in order that he could determine the number of men if any were needed in Bismarck. [REDACTED] was given the telephone numbers of the Burleigh County Sheriff's Office and Bismarck Police Department along with the names of the Sheriff and Police Chief.

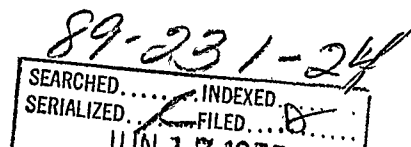
On the above date, [REDACTED] was contacted again and advised that his office planned tentatively to send five men to Bismarck on 6/18/75, but that was contingent upon the situation. He desires to be kept fully informed and advised of events that change the situation.

2 - Minneapolis

(2)



5010-108-02



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

F B I

Date: 6/18/75

Transmit the following in C ODED
(Type in plaintext or code)Via TELETYPE NITEL
(Priority)

TO: DIRECTOR, FBI
FROM: SAC, MINNEAPOLIS (89-231) (P)
RUSSELL CHARLES MEANS; [REDACTED]
LIEUTENANT [REDACTED] BUREAU OF INDIAN AFFAIRS - [REDACTED]
AFO. OO: MINNEAPOLIS

RE MINNEAPOLIS REPORT OF SA [REDACTED] dated
JUNE 13, 1975.

[REDACTED] VOLUNTARILY SURRENDERED TO U.S.
MARSHAL, BISMARCK, NORTH DAKOTA, EVENING OF JUNE 17, 1975,
ACCOMPANIED BY [REDACTED] UNITED TRIBES EMPLOY-
MENT TRAINING CENTER, BISMARCK, AND IMMEDIATELY AFFORDED
HEARING BEFORE U.S. MAGISTRATE HARRY J. PEARCE. PEARCE
RELEASED [REDACTED] ON \$5,000 UNSECURED BOND AND APPOINTED
[REDACTED] BISMARCK, AS [REDACTED]

PRELIMINARY HEARING FOR MEANS AND [REDACTED] SCHEDULED
FOR USDC, BISMARCK, NORTH DAKOTA, 1:30 PM JULY 10, 1975.

MEANS FREE ON \$25,000 UNSECURED BOND ON MORTON COUNTY, [REDACTED]
NORTH DAKOTA CHARGES AND PRELIMINARY HEARING SCHEDULED FOR
JUNE 26, 1975 AT MANDAN, NORTH DAKOTA.

FUGITIVE CREDIT CLAIMED FOR [REDACTED]

Approved: 1 - Minneapolis JAT
[REDACTED] dl (1) - [REDACTED]
Special Agent In Charge

Sent

6:58 P

M

Per

Searched

Serialized

Indexed

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Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

PAGE TWO.

MP 89-231

ARMED AND DANGEROUS

END.

ADMINISTRATIVE:

SA [REDACTED]

PIERRE, SOUTH DAKOTA, AND [REDACTED]

Don't type

[REDACTED] SPECIAL OFFICER, BUREAU OF INDIAN AFFAIRS, FORT
YATES, NORTH DAKOTA, ADVISED OF [REDACTED] ARREST BY
TELEPHONE.

b6
b7cApproved: _____ Sent _____ M Per _____
Special Agent in Charge

NR005 MP CODED

6:58 PM NITEL JUNE 18, 1975 DSC

TO DIRECTOR *PAW*

FROM MINNEAPOLIS (89-231) (P)

RUSSELL CHARLES MEANS; [REDACTED]

LIEUTENANT [REDACTED] BUREAU OF INDIAN AFFAIRS - [REDACTED] AFO.

OO: MINNEAPOLIS.

RE MINNEAPOLIS REPORT OF SA [REDACTED] JUNE 13, 1975.

[REDACTED] VOLUNTARILY SURRENDERED TO U.S.

MARSHAL, BISMARCK, NORTH DAKOTA, EVENING OF JUNE 17, 1975, ACCOMPANIED

BY [REDACTED] UNITED TRIBES EMPLOYMENT TRAINING CENTER,

BISMARCK, AND IMMEDIATELY AFFORDED HEARING BEFORE U.S. MAGISTRATE

HARRY J. PEARCE. PEARCE RELEASED [REDACTED] ON \$5,000 UNSECURED BOND

AND APPOINTED [REDACTED] BISMARCK, AS [REDACTED]

PRELIMINARY HEARING FOR MEANS AND [REDACTED] SCHEDULED FOR

USDC, BISMARCK, NORTH DAKOTA, 1:30 PM JULY 10, 1975.

MEANS FREE ON \$25,000 UNSECURED BOND ON MORTON COUNTY, NORTH
DAKOTA CHARGES AND PRELIMINARY HEARING SCHEDULED FOR JUNE 26, 1975
AT MANDAN, NORTH DAKOTA.

FUGITIVE CREDIT CLAIMED FOR [REDACTED]

ARMED AND DANGEROUS.

END

PAW FBIHQ

FOR 3 CLR

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Serialized.....
Indexed.....
Filed.....

NCIC PRINTOUT - TO BE FILED

NCIC CLEARED *PD*

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b7C

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NCIC CLEARED

6/18/75

Case Agent is to Verify Proper Record:

- | | | | | |
|-----|-------------------------------------|--------|--------------------------|--------------|
| (1) | <input type="checkbox"/> | Entry | <input type="checkbox"/> | Modification |
| | <input checked="" type="checkbox"/> | Clear | <input type="checkbox"/> | Cancellation |
| | <input type="checkbox"/> | Locate | <input type="checkbox"/> | Alias Entry |

89-231-216

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 18 1975	

- (2) Initiate any necessary investigation action with respect to any additional records.

NCIC PRINTOUT - TO BE SERIALIZED AND FILED

(Mount Clipping in Space Below)

Federal Warrants Issued For Means, 1 Other Man

Special to the Tribune

FORT YATES—An altercation in a Fort Rice tavern Saturday afternoon apparently triggered a chain of events that culminated in the wounding of American Indian Movement leader Russell Means and the suspicion that it also was linked to arson and death in a Cannon Ball liquor store early Sunday morning.

Bureau of Indian Affairs spokesmen at Fort Yates said Means was shot in the side by a gun held by BIA Police Officer Lt. Pat Kelly, 45, during a scuffle near the Cannonball Bridge at the northern border of Sioux County. Means was reported in good condition Monday morning at St. Alexius Hospital in Bismarck.

Thought possibly linked to the Means shooting was the burglary and arson of Patty's Package Liquor Store at Cannon Ball owned by Kelly's wife. It was discovered burning about 4 a.m. and after it was destroyed, officers found the body of Allan Vivier, a juvenile from the Turtle Mountain Indian Reservation near an empty gas can.

They are holding a 17-year-old companion of Vivier on charges of arson and burglary and said money and beer were found in his possession.

The U.S. attorney's office here said warrants have been issued for the arrest of Means and a companion, Thomas Richard Poor Bear, 21, of Rosebud S.D., charging them

with resisting, imposing, impeding and interfering with a federal officer, Pat Kelly.

The charges stem from the Cannonball River incident which BIA spokesmen said occurred when Kelly investigated several parked vehicles at the request of Morton County Sheriff, Leo Snider.

They said Means was shot when he and Poor Bear were scuffling with Kelly following a discussion of "harassment" and in the fracas Kelly's gun accidentally discharged.

Means disagreed with this version, claiming he was shot by Kelly's son, Ted, a radio dispatcher and jailer at Fort Yates. BIA spokesmen say young Kelly was not carrying a gun at the time.

After the shooting, Means was taken to Fort Yates, but according to BIA personnel refused treatment at the hospital, saying she wanted attention by a "medicine man" and was taken to the jail. Later he relented, entered the Fort Yates Hospital and subsequently was taken to Bismarck for further treatment.

Morton County officials had requested BIA police to check the Means party and obtain their names following the fracas in the Fort Rice bar. Morton officers said that during the incident two white men were struck and knocked down, after one was mistaken

for a man with whom the Means party was acquainted.

Fort Yates officials said the Means party included a brother of the juvenile being held on the arson and burglary investigation.

Snider said he was considering filing charges of assault in connection with the Fort Rice affair and that the men injured had given him a statement of events.

Means recently returned to make his home on the Standing Rock Reservation after several years of prominence in the AIM affairs.

Means currently is free on \$30,000 bond posted for him by actor Marion Brando after he was charged with being an accomplice to murder in the death of Martin Montileau, 28, Kyle, S.D., who was shot in a Scenic, S.D. bar March 1 and died several weeks later. Richard Marshall, 24, of the South Dakota Pine Ridge Reservation was also charged in that slaying.

(Indicate page, name of newspaper, city and state.)

Page 1

THE BISMARCK TRIBUNE

Bismarck, No. Dakota

Date: 6/9/75
Edition: Final
Author: Staff
Editor: JOHN HJELLE
Title: RUSSELL CHARLES MEANS; et al

Character: AFO
or
Classification: MP 89-231
Submitting Office: MP/Bismarck
☒ Being Investigated

89-231-27

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JUN 12 1975	
FBI — MINNEAPOLIS	

CC Sent To Bu

RS 6-17-75



Tribune Photo by Jim Konrad

AIM Leader Shot

American Indian Movement leader Russell Means was in good condition Monday following a gunshot wound sustained Saturday afternoon in an altercation with a Bureau of Indian Affairs officer near Cannon Ball. BIA spokesmen termed the shooting "accidental".

(Mount Clipping in Space Below)

Kunstler Says Means In Danger

Attorney William Kunstler says American Indian Movement leader, Russell Means is in great danger and he feared for Means' life.

"I feel he is in great danger and I feel the local police feel that too," he said.

Means remained in good condition with a bullet wound in the abdomen at St. Alexius Hospital Thursday. He was accidentally shot during a weekend scuffle near Cannon Ball, a community about 40 miles south of Bismarck on the Standing Rock Reservation, Bureau of Indian Affairs officials said.

"The minute I heard the circumstances I began to get the same chill," Kunstler said referring to attempts on the lives of other radical leaders. "I regard this as an assassination attempt."

He told a hospital news conference Wednesday he had no hard evidence of an assassination attempt, but he added, "People like Russell are frequently targets."

Henry Gayton, BIA agent contacted at Cannon Ball, said there was no attempt to kill Means.

"If that were the case, it probably would have been done," Gayton said. "We don't operate that way. We've got more important things to do."

Means thanked local authorities for the protection provided since he entered the hospital here but declined their offer to continue security, saying he had "full confidence" in the AIM security forces.

The Burleigh County Sheriff's Department and the Bismarck Police Department had maintained a security guard at his third floor room after Means reportedly had received threatening phone calls there. They discontinued their vigilance following the press conference Wednesday afternoon.

Security at the hospital room is now completely under AIM personnel although the hospital is maintaining a security guard both evening and night for the new hospital wing under construction, mainly to protect supplies and equipment there. Means is free on a \$5,000 personal recognizance bond on a federal charge of interfering with a BIA police officer. He has also signed a \$25,000 personal recognizance bond on a Morton County charge of aggravated assault and battery.

Morton County officials said the charge stemmed from a weekend incident in which a man was allegedly struck with a rifle butt.

During the hearing on the bond and the appointment of counsel for Means, held Wednesday in Means' hospital room, Judge William Engelter Jr. of the Morton County Court of Increased Jurisdiction agreed to allow Means to sign a personal recognizance bond under which he alone would be liable for the amount if he failed to appear. At the urging of Richard Schnell, Morton County state's attorney, Engelter kept the amount at the \$25,000 originally set. Means said he felt the amount of the bond was "political."

Replied Schnell, "We would have to sue for the money either way if you fail to appear."

The question was resolved when Kunstler agreed to the amount, terming it "play money" because the bond is unsecured.

Engelter's decision to allow Means to sign his own bond followed a recitation of previous arrests in which means has never failed to appear in court as scheduled.

Engelter initially named Ben Pukrabek, the Morton County public defender, to defend Means. It was argued that Means was a public figure and the case would require much investigation and Engelter acceded to Means' request and named Ralph LePera as counsel, as had the U.S. Magistrate a day earlier in the federal case.

Engelter cautioned LePera that no expenses should be incurred without prior approval of the court.

He set a preliminary hearing on the case for June 26. The preliminary hearing on the federal charge is tentatively set for June 19, dependent upon Means' recovery from his wound.

Kunstler called the county charge political, and said that was underscored by the \$25,000 bond for what "is essentially a minor crime."

Means said he originally came to North Dakota to escape danger.

"I came to North Dakota to get away from danger in South Dakota," he said. "I'm in a position where anybody with a bloody nose can sign a complaint against me."

The AIM leader said he had been arrested an average of once every two months since the occupation of Wounded Knee, S.D., in 1973.

(Indicate page, name of newspaper, city and state.)

Page 1

THE BISMARCK TRIBUNE

Bismarck, No. Dakota

Date: 6/12/75
Edition: Final
Author: Staff
Editor: JOHN O. HJELLE
Editor: RUSSELL CHARLES
Title: MEANS, ET AL

Character: AFO
or
Classification: MP 89-231
Submitting Office: MP

☒ Being Investigated

SEARCHED INDEXED
SERIALIZED FILED

JUN 17 1975

FBI - MINNEAPOLIS



Tribune Photo by Bob Schmitt

Means, Kunstler Confer at Press Meet

American Indian Movement leader Russell Means, far right, confers with attorneys Ralph Le Pera, second from left, and William Kunstler during a press conference here Wednesday. Kunstler said Means was in great danger and he feared for Means' life. Prior to the conference, Means signed a \$25,000 personal recognizance bond on a Morton County

charge of aggravated assault and battery. Kunstler added that although he had no hard evidence of an assassination attempt on Means, "people like Russell are frequently targets." At left is Greg Zephier, Yankton, S.D., a cousin of Means and one of the AIM men guarding the Indian leader.

(Mount Clipping in Space Below)

Means Granted Hearing on Bond

BULLETIN

Russell Means was freed Wednesday afternoon after signing a \$25,000 personal recognizance bond set by Morton County Judge William Engelter Jr. at a bond hearing at St. Alexius Hospital. Judge Engelter appointed Ralph LePera as Means' counsel after finding him indigent.

Attorneys for American Indian Movement leader Russell Means Wednesday were granted a request for a hearing on the bond set by the Morton County Court of increased jurisdiction after Means was arrested on a charge of aggravated assault on a Morton County man Saturday in a Fort Rice tavern.

Judge William Engelter Jr. Monday had set the bond at \$25,000 in the case but Wednesday morning agreed to hold a hearing on the amount in Means' hospital room this Wednesday afternoon.

Signing the complaint was Dilyn Schramm of Mandan, a witness to the incident in the tavern. The complaint charges that Means "used force and violence upon the person of Arlen Hettich of Morton County with intent to do great

bodily harm by striking him with the butt of a rifle, thereby inflicting serious and great bodily injury."

Means was released from federal custody here Tuesday on a \$5,000 personal recognizance bond. He remained hospitalized Wednesday morning in good condition in custody of Morton County officials.

Means was hospitalized from a gunshot wound sustained Saturday afternoon in an altercation with Lt. Pat Kelly of the Bureau of Indian Affairs police force on the Standing Rock Reservation. The complaint charges Means with "resisting, imposing, impeding and interfering with a federal officer." Means was arrested Monday.

Attorney William Kunstler arrived Wednesday to discuss legal defense with American Indian Movement leader Russell Means for federal and county charges stemming from a weekend incident.

Kunstler said he also intended to talk with Means about his contention that Saturday's shooting on the Standing Rock Indian Reservation "was an assassination attempt."

"I brought some material and I'm going to talk to Russell," Kunstler said at the Bismarck Airport. However, he declined to say what his information was.

Means' attorneys also said U.S. Magistrate Harry Pearce asked them Tuesday to meet soon to discuss a date for a preliminary hearing on a federal charge. Pearce said he hoped the hearing could be held next week.

Ralph LePera, an attorney appointed by Pearce to represent Means in the federal case, said he hoped the Morton County bond could be reduced.

LePera is an attorney for the United Tribes of North Dakota Development Corp.

LePera and attorney John Keller, Chamberlain, S.D., said they believed "prejudgment" by local authorities led to the \$25,000 bond because of Means' national notoriety.

Melvin White Eagle, Standing Rock tribal council chairman, said Wednesday that the council, in a special meeting Tuesday, had reviewed a written statement from Russell Means, apparently giving his account of the shooting. However, he said, the statement was locked in the council secretary's desk and would not be available until she returned from out of town and transcribed the minutes of the meeting.

A 17-year-old juvenile who had been held in connection with the arson and burglary of the Package Liquor Store at Cannon Ball early Sunday, has since been released to the

(Indicate page, name of newspaper, city and state.)

Page 1

THE BISMARCK TRIBUNE

Bismarck, No. Dak.

Date: 6/11/75
Edition: Final
Author: Staff
Editor: JOHN O. HJELLE
Title: RUSSELL CHARLES MEANS, ET AL

Character: AFO
or
Classification: MP 89-231
Submitting Office: MP

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CC Sent To Bu RS 6-17-75

custody of his parents, "according to Henry Gayton, Bureau of Indian Affairs special officer on the reservation.

The liquor store is owned by Patrick Kelly's wife and authorities are studying a possible link between that incident and the Means shooting.

The body of Allan Vivier, a Turtle Mountain Reservation juvenile was found at the store near an empty gas can and the 17-year-old juvenile believed to be a companion of the dead boy, was said to have had money and beer in his possession.

The U.S. Attorney's office reported Wednesday that the U.S. Magistrate has been requested to issue a warrant against the youth on juvenile delinquency charges. An autopsy has been ordered on the body of the Vivier boy by the U.S. Attorney.

In Farmington, N.M., an AIM spokesman said AIM's national convention being held there will not be moved to South Dakota.

AIM spokesman Vernon Bellecourt said it was decided Tuesday "that we must continue the conference here."

AIM leader Dennis Banks said earlier the convention, which began Friday, might be moved to South Dakota, apparently in connection with the shooting of Russell Means.

"The shooting of Russell Means has had its effect on this conference," Bellecourt said. "Because of news reports, a lot of people turned right around in transit and went back to South Dakota, thinking that the conference would end prematurely.

"That's not the case. We are going to continue through the scheduled time."

(Mount Clipping in Space Below)

Means Bonded at \$5,000; Claims Murder Attempt

American Indian Movement Leader Russell Means was released from federal custody here Tuesday on a \$5,000 personal recognizance bond set by U.S. Magistrate Harry Pearce after a hearing in Means' hospital room.

Means was hospitalized from a gunshot wound sustained Saturday afternoon in an altercation with Lt. Pat Kelly, of the Bureau of Indian Affairs police force on the Standing Rock Reservation. The complaint charges Means with "resisting, imposing, impeding and interfering with a federal officer." Means was arrested Monday.

Means still must post a \$5,000 bond set by Judge William Engelter Jr. of the Morton County Court of Increased Jurisdiction on a complaint charging Means with committing aggravated assault on Arlen Hettich of Huff in a Port Rice bar prior to the Kelly incident which occurred on the Standing Rock Reservation south of Cannon Ball.

At the hearing Means was represented by attorneys Ralph LePera, of the United Tribes Employment Training Center here, and John Keller of Chamberlain, S.D., who has represented Means in previous litigation.

LePera served as spokesman and detailed Means' previous history of fulfilling court appearances and asked that the bond be set no higher than \$500. The attorney said Means has had no previous felony con-

victions and read a list of previous court appearances and bond posted by Means.

"Mr. Means represents a different line of thinking," LePera told the court. "Where he goes, he and those around him generate controversy and conflict with the local

Russell

Means



establishment like the BIA police. In this incident he was shot while officer Kelly doesn't have a mark on him."

LePera said Means had posted a \$5,000 bond in Scottsbluff, Neb., in January of 1973 on charges of assault that are still pending; \$25,000 in Phoenix, Ariz. in April of 1973 on charges of interstate transportation of firearms that was dismissed; \$20,000 in Custer, S.D., on eight counts involving disorder there that are still pending; \$2,000 in April of 1974 at Sioux Falls, S.D. by AIM; \$2,500 on assault charges in Pierre, S.D.; and \$30,000 on an accomplice to murder charge pending in Rapid City, S.D. He said in each instance Means had fulfilled his obligation to appear in court.

Means told Pearce that he was indigent and asked for

court-appointed counsel. Pearce, after some discussion, named LePera but said, "I don't believe this case calls for a battery of lawyers." He later granted Means' request that attorney William Kunstler who helped defend Means for the Wounded Knee charges be present when a full scale preliminary hearing is held, and scheduled it tentatively for next week.

"Mr. Kunstler is welcome in my court," Pearce said. "But he will not be paid at government expense."

To establish his indigency, Means told Pearce he did not have a salary-paying job, saying, "AIM leaders are not salaried." He said he had a checking account here with less than \$300 in it and one with \$6.00 in St. Paul. He said he had two children in school in Los Angeles and two in Arizona and sent them money "when he could." Asked by Pearce as to his source of food and clothing, he said he was fed by other Indians he was asked to visit and lived with his brother Dace, an employee at United Tribes Employment Training Center. "Other Indians give me clothing as giveaways," he continued, noting that courts in his other trials had found him to qualify as an indigent.

The small hospital room was crowded for the hearing. U.S. marshal allowed in only attorneys, one representative from each of the news media

(Indicate page, name of newspaper, city and state.)

Page 1

THE BISMARCK TRIBUNE

Bismarck, No. Dak.

Date: 6/10/75
Edition: Final
Author: Staff
Editor: JOHN O. HJELLE
Title: RUSSELL CHARLES MEANS, ET AL

Character: AFO
or
Classification: MP 89-231
Submitting Office: MP

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89-231-30

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outlets represented, along with his mother, brothers, his spiritual adviser Fred Zephier of Wagner, S.D. and William Muldrow, a representative of the U.S. Civil Rights Commission from Denver.

At the hearings conclusion Means' attorneys said they would seek a hearing on the amount of bond set in the Morton County charge.

Federal authorities arrested Means Monday, acting on a warrant issued by the United States Attorney's Office.

Means was listed in good condition in a Bismarck hospital Tuesday.

A spokesperson for the United Tribes Employment Training Center here said she had received a call advising that Atty. William Kunstler would represent Means and arrive some time Wednesday and then join Means in a press conference in the late afternoon.

Federal officials closed Means' room to the news media and visitors following his arrest.

Means said he wanted a "full scale federal investigation" of the circumstances surrounding the shooting incident.

He also labeled the shooting "an assassination attempt."

Link said Means' hospital room was closed in order to lessen the chance of adverse publicity.

"I think it's best that he speak through his attorney," the marshal said. "And Mr. Means has agreed to this."

Means, in a bedside interview prior to exclusion of the news media, told the Associated Press he "had been getting threatening phone calls." AIM members were acting as security for him because of the threats, Means said.

In addition, Burleigh County

Sheriff Bob Harvey said he had established security where Means was recuperating.

"The hospital asked us," Harvey said. "They wanted more security."

Harvey said the threatening telephone calls were the reason "why we're here."

Means was served with the warrant in his third floor hospital room. A similar warrant was issued for Thomas Richard Poor Bear, 21, of Rosebud, S.D., who was allegedly with Means during the confrontation with the BIA police officer.

Means said the national AIM organization was calling for the federal investigation. He said AIM members were being asked to contact Sens. Quentin Burdick, D-N.D., and Milton Young, R-N.D., urging the investigation.

Means also said he thought the incident Saturday arose from attempts to "discourage" his being hired as director of a boys ranch on the Standing Rock Reservation.

Means had indicated recently he was seeking the position, which was to help youngsters age 14-18.

"I definitely think they're (BIA) trying to block the job," Means said.

Currently, Means faces a charge of being an accomplice to murder in another shooting incident in South Dakota. He is free on bond in connection with that incident. The bond was posted by actor Marlon Brando.

The Pennington, S.D., State's Atty. Jack Klauck said it was unlikely the warrant in North Dakota would have any effect on his South Dakota bond.

Klauck said the North Dakota warrant was a federal charge, and the South Dakota charge was a district court action.



Tribune Photo by Bob Schmidt

At Means' Hospital Room

Theodora Means, above right, was in her son Russell's Bismarck hospital room Tuesday when a \$5,000 bond was set for his appearance in Federal Court on charges of interfering with a federal officer. Guarding the door to Means' room were sheriff's officers Ray

Ulrich, below left, and Jim Inman, who were assigned to the hospital to augment security forces during the stay of the controversial Indian leader. Means suffered a gunshot wound Saturday in a scuffle with a Bureau of Indian Affairs officer near Cannon Ball.



(Mount Clipping in Space Below)

Banks May Move AIM Meet to S.D.

FARMINGTON, N.M. (AP) — American Indian Movement leader Dennis Banks said Monday AIM may move its convention, already under way near here, to South Dakota where our people are being killed.

Banks said the convention was drafting a resolution "to move the convention to South Dakota within three days." He didn't say where in South Dakota.

Banks said the shooting of Russell Means near Cannonball Bridge, N.D. is "a clear indication of the Bureau of Indian Affairs goal to stop the American Indian Movement at all costs."

Banks, in an interview, called the shooting "an assassination attempt by the BIA."

"South Dakota is where our people are being killed, and now it's spilling over into North Dakota," Banks said.

"Officers of AIM are calling a national combat alert," he said.

Means, a key figure in AIM's 11-day occupation of Wounded Knee, S.D., in 1973, suffered a

gunshot wound in the abdomen Saturday. Officials said the bullet passed through the left side of Means' abdomen.

Bureau of Indian Affairs officials said Means was shot by a BIA police officer on the Standing Rock Reservation.

The BIA said the shooting came after a confrontation between Means, other AIM members and the BIA policeman.

Banks said AIM is sending telegrams to all congressmen and senators requesting an investigation and will specifically ask congressmen from both North Dakota and South Dakota to assist AIM.

Banks said more than 700 AIM members are camped near Farmington on land leased from the Bureau of Land Management for the 11-day convention.

Farmington police estimated Sunday's convention attendance at about 250.

Convention delegates began gathering at the campsite Friday, AIM spokesman Kenneth Peyketewa said. The weekend was filled with powwow dancing, sweat lodge ceremonies

and general meetings.

Delegates began business Monday, the spokesman said.

Outsiders have been banned from the campsite, located about six miles from Farmington.

The group decided to use the federal land for the convention after the Navajo Tribal Council unanimously voted against an AIM request to use the tribal fairgrounds at Window Rock, Ariz.

The BLM approved the request after AIM agreed to land use stipulations.

AIM has estimated that as many as 4,000 Indians will attend the convention. Nearly 1,400 attended the group's 1974 annual meeting near Mobridge, S.D.

(Indicate page, name of newspaper, city and state.)

Page 1

THE BISMARCK TRIBUNE

Bismarck, No. Dakota

Date: 6/10/75
Edition: Final
Author: AP, Farmington,
Editor: JOHN O. HJELLE/NM
Title: RUSSELL CHARLES
MEANS, ET AL

Character: AFO
or
Classification: MP 89-231
Submitting Office: MP

☒ Being Investigated

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b6
b7C

(Mount Clipping in Space Below)

Means Visits Fargo Legislator Before Leaving Hospital

BISMARCK, N.D. (AP) — American Indian Movement leader Russell Means was released Saturday from a Bismarck, N.D., hospital where he had been recovering from a bullet wound in the abdomen.

Means is free on a total of \$30,000 in personal recognizance bonds on federal and Morton County charges connected with the incident in which he was wounded a week ago.

He is reported to have rented a house in Bismarck.

Prior to leaving the hospital, Means visited with a state legislator and said he planned to work through education rather than confrontation.

Sen. Pamela Holand, D-Fargo, said she talked with Means for several hours at



Sen. Holand

Means

the hospital where he was recuperating.

Means now wants to work through the field of education to communicate the needs of Indian people and plans to act as a technical advisor to educational and humanitarian organizations, Holand said.

She added he told her that communication between Indians and non Indians could come naturally through education rather than confrontation.

"Means said during the visit that he wants to see more Indian input into school curriculum, and that he wants to see Indian culture and history taught in the first five years of a child's education, and not in the last four years of high school or college, when prejudices have already taken root," she said.

She explained she had requested the visit to try to understand Means' goals and motives for the Indian people.

"The decision to visit Means was the result of a personal feeling, a gut feeling, that I had to try to understand this man who has stirred so much controversy," Holand said. "There are 20,000 Indian people in North Dakota. Certainly as a state legislator and as a concerned human being, I had to do what I could to close the communication gap between emerging Indian leaders and non-Indians. I was not there to judge Russell Means, I wanted to hear his feelings and opinions."

(Indicate page, name of newspaper, city and state.)

1. BISMARCK TRIBUNE
Bismarck, N.D.

Date: June 16, 1975

Edition: Final

Author:

Editor: John Hjelle

Title: Russell Means

Character:

or

Classification: 89-231-32

Submitting Office: Minneapolis

☐ Being Investigated

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SERIALIZED FILED

JUN 19 1975

FBI - MINNEAPOLIS

CC Sent To Bu RS 6-18-75

(Mount Clipping in Space Below)

Means Discharged; Asks Educator Job

By The Associated Press

American Indian Movement leader Russell Means has been released from St. Alexius Hospital where he was recovering from a bullet wound in the abdomen.

Means is free on a total of \$30,000 in personal recognizance bonds on federal and Morton County charges connected with the incident in which he was wounded a week ago.

He is charged by the county with aggravated assault and battery and by federal officials with interfering with a Bureau of Indian Affairs police officer in the performance of duties.

He was reported to be living with his brother in Bismarck.

Prior to leaving the hospital Saturday, Means visited with a North Dakota legislator and said in the future he planned to work through education rather than confrontation.

Sen. Pamela Holand, D-Fargo, said she talked with Means for several hours in the hospital.

Holand said Means wanted to tell the needs of Indian people through education, and planned to become a technical advisor to educational and humanitarian organizations.

The lawmaker said the controversial Indian leader wanted more Indian input into school curricula. She quoted him as saying prejudices have already taken root by the last four years of high school or college when Indian culture and history are usually taught, and he suggested teaching those subjects in the first five grades.

Holand explained she requested the visit to try to understand "this man who has stirred so much controversy. As a state legislator and as a concerned human being, I had to do what I could to close the communication gap between emerging Indian leaders and non-Indians."

(Indicate page, name of newspaper, city and state.)

2 BISMARCK TRIBUNE
Bismarck, NO. Dakota

Date: June 16, 1975

Edition: Final

Author:

Editor: John Hjelle

Title: Russell Means

Character:

or

Classification: 89-231-33

Submitting Office: Minneapolis

☐ Being Investigated

SEARCHED INDEXED
SERIALIZED FILED

JUN 19 1975

FBI - MINNEAPOLIS

CC Sent To Bu RS 6-18-75

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, MINNEAPOLIS (89-231) (P)

DATE: 6/17/75

FROM : SA [REDACTED]

b6
b7C

SUBJECT: RUSSELL CHARLES MEANS.

[REDACTED]
LIEUTENANT [REDACTED], BUREAU OF
INDIAN AFFAIRS - [REDACTED]
AFO

OO: MINNEAPOLIS

Rememo of SA [REDACTED] 6/10/75.

On 6/12/75, [REDACTED] Criminal Investigator, Rosebud Police Department, Rosebud, South Dakota, advised that he has queried various people on the Rosebud Indian Reservation and is of the opinion that [REDACTED] is not on the Rosebud Indian Reservation.

[REDACTED] stated [REDACTED] has a brother that may be living in Denver at an unknown address.

[REDACTED] stated he will attempt to find out the present location of [REDACTED] and if any location for above individual comes to mind, he will notify this agent.

BOTH SUBJECTS SHOULD BE CONSIDERED ARMED AND DANGEROUS.

② - Minneapolis

jmf

(2)

[Handwritten signature]

89-231-34
SEARCHED INDEXED
SERIALIZED FILED
JUN 17 1975

[REDACTED]



(Mount Clipping in Space Below)

Means Attorneys Hope Morton Officials Will Reduce Bond

BISMARCK, N.D. (AP) — Attorneys for American Indian Movement leader Russell Means said Tuesday they were hopeful a \$25,000 bond set by authorities in Morton County would be reduced.

In a separate case, U.S. Magistrate Harry Pearce set a \$5,000 unsecured bond for Means on a federal charge of interfering with a Bureau of Indian Affairs officer.

Means was charged

Tuesday by Morton County authorities in neighboring Mandan with aggravated assault and battery. State's Atty. Richard Schnell said it stemmed from a weekend incident in which a man was allegedly struck with a rifle butt.

Ralph LaPera, an attorney who was appointed by Pearce to represent Means in the federal case, said he hoped the Morton County bond could be reduced.

LaPera and attorney John Keller, Chamberlain, S.D., said they thought the \$25,000 bond was the result of "prejudgment" by local authorities because of Means national notoriety.

"It's too high," LaPera said. "What the federal government did was right and we feel it should have an effect on the local authorities."

Pearce said the unsecured bond meant Means could sign for the bond himself and if he did not appear in court would be personally responsible for the \$5,000.

"It's a personal recognizance type of bond," Pearce said. "I think I have good cause to believe Means will appear."

At the federal bond hearing, which was held in Means' third floor hospital room, LaPera cited the AIM leader's record of always appearing for court proceedings.

Means was in good condition in a Bismarck hospital, recuperating from a bullet wound in the abdomen suffered during the incident with the BIA officer.

(Indicate page, name of newspaper, city and state.)

23 THE FORUM
Fargo-Moorhead,
North Dakota

Date: June 11, 1975
Edition: Daily
Author:
Editor: John D. Paulson
Title: Russell Means

Character:
or
Classification: 89-231
Submitting Office: Minneapolis
☐ Being Investigated

89-231-35

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SERIALIZED	FILED
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FBI - MINNEAPOLIS	

LaPera had told the magistrate Means had never forfeited his bond on any court charge.

"My client has never been convicted of a felony," LaPera said. "He has made all appearances when requested by the court. . . there has never been a bond forfeiture by my client in any case."

LaPera has also said the \$5,000 bond recommended by the United States Attorney's Office was excessive.

"He (Means) does not have the money to post that type of bond," the attorney said.

Pearce recommended the unsecured bond and ap-

pointed LaPera as the AIM leader's attorney after Means said he could not afford an attorney.

LaPera said bond for Means was often set at high levels because he was prominent in national politics.

At Means request, Pearce said attorney William Kunstler, who helped defend Means during the 1974 Wounded Knee trial at St. Paul, Minn., could aid in the defense. However, Kunstler could receive no government reimbursement, Pearce said.

Means said Kunstler was expected to arrive in Bismarck today to aid in the legal defense.

LaPera said even after Means signed for the bond in the federal case, he would still face the Morton County charges.

Pearce requested Means' attorneys to meet with the judge to discuss the date for the preliminary hearing on the federal charge.

The magistrate said he hoped the hearing could be held next week.

UNITED STATES COMMISSION ON CIVIL RIGHTS

MOUNTAIN STATES REGIONAL OFFICE

1726 Champa Street,
Ross Building, Suite 216
Denver, Colorado 80202
Telephone: (303) 837-2211

June 17, 1975

Mr. Joseph A. Trimback, Director
Federal Bureau of Investigation
Federal Building - Room No. 392
Minneapolis, Minnesota 55401

Dear Mr. Trimback:

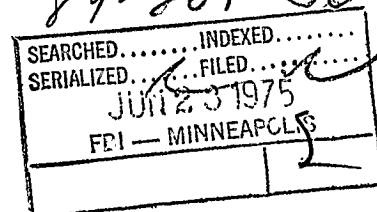
Pursuant to 42 U.S.C. § 1975 d (e), the U.S. Commission on Civil Rights requests that you send us all reports your agency has compiled concerning the shooting of Russell Means at Cannon Ball, North Dakota on June 7, 1975. We realize that portions of this information may be confidential under the Freedom of Information Act (5 U.S.C. § 552 b) and not to be released to the public.

Sir

DR.

b6
b7C

SHW:ps



392 Federal Building, U. S. Courthouse
110 South 4th Street
Minneapolis, Minnesota 55401

June 24, 1975

Dr. [redacted]

Mountain States Regional Office
U. S. Commission on Civil Rights
Suite 216, 1726 Champa Street
Denver, Colorado 80202

Re: Russell Charles Means

Lieutenant [redacted] -
Bureau of Indian Affairs - [redacted]
Assault of a Federal Officer

b6
b7C

Dear Dr. [redacted]

Reference is made to your letter, dated June 17, 1975, requesting all the reports compiled in connection with the shooting of Russell Means at Cannon Ball, North Dakota on June 7, 1975.

This is to advise that investigation regarding this matter was conducted under the above caption and copies of reports regarding this investigation were furnished to [redacted] Office of Indian Rights, Civil Rights Division, U. S. Department of Justice, and to the United States Attorney, Sioux Falls, South Dakota.

In view of the above, it is suggested that you contact the Civil Rights Section, U. S. Department of Justice for copies of reports in this matter.

Sincerely yours,

JOSEPH H. TRIBACH
Assistant in Charge

L/- 89-231
RHW:sr
(2)

89-231-37

DIRECTOR, FBI (89-3220)

6/24/75

SAC, MINNEAPOLIS ((89-231)

RUSSELL CHARLES ARANS.

LIEUTENANT [REDACTED]
BUREAU OF INDIAN AFFAIRS - [REDACTED]
AFO

b6
b7C

REREP SA [REDACTED] Minneapolis, dated 6/13/75.

Enclosed for Bureau are five copies of LHM, captioned
as above.

2 - Bureau (Enc. 2)
② - Minneapolis

RMH:sp
(4)

S

K
R

89-331-38

Minneapolis, Minnesota
June 24, 1975

RUSSELL CHARLES MEANS.

LIEUTENANT [REDACTED] BUREAU
OF INDIAN AFFAIRS - [REDACTED]

b6
b7c

[REDACTED] is made to report of Special Agent
dated June 13, 1975, captioned as above.

By letter dated June 17, 1975, Dr. Shirley Hill Witt, Regional Director, Mountain States Regional Office, U. S. Commission on Civil Rights, Suite 216, 1726 Champa Street, Denver, Colorado, requested the Minneapolis, Minnesota Office of the Federal Bureau of Investigation to provide her with copies of all reports regarding investigation connected with the shooting of Russell Means at Cannon Ball, North Dakota on June 7, 1975.

By letter dated June 24, 1975, Dr. Witt was informed by the Minneapolis Office of the FBI that copies of the report regarding the investigation of the above incident were furnished to United States Attorney, Sioux Falls, South Dakota and to the Office of Indian Rights, Civil Rights Division, U. S. Department of Justice, and that she should contact the U. S. Department of Justice regarding this matter.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

- 5 - Bureau
- 1 - USA, Sioux Falls, S.D.
- (2) - Minneapolis (89-231)

RHW:sr
(8)

DIRECTOR, FBI (89-3220)

6/24/75

SAC, MINNEAPOLIS ((89-231)

RUSSELL CHARLES MEANS;

[REDACTED]
LIEUTENANT [REDACTED]
BUREAU OF INDIAN AFFAIRS - [REDACTED]
AFO

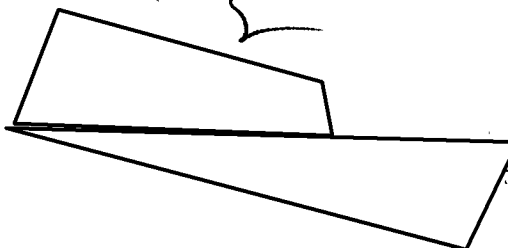
b6
b7C

REREP SA [REDACTED] Minneapolis, dated 6/13/75.

Enclosed for Bureau are five copies of LHM, captioned
as above.

- 2 - Bureau (Enc. 2)
- ② - Minneapolis

RM:st
(4)



89-231-38

(Mount Clipping in Space Below)

'AIM Leader Still 'Good'

American Indian Movement leader Russell Means remained in good condition Friday morning at St. Alexius Hospital.

A hospital spokesman said Means, who according to Bureau of Indian Affairs officials was accidentally shot during a weekend scuffle near Cannon Ball, was progressing satisfactorily.

Means' security guard was removed Wednesday after he signed personal recognizance bonds of \$5,000 and \$25,000 on federal and Morton County charges, resulting from altercations Saturday at a Fort Rice tavern and near Cannon Ball on the Standing Rock reservation.

The Bismarck Police Department reported that it provided a guard for Means during his confinement for six hours, at a rate of \$7.50 an hour, for a total of \$45.

Bob Harvey, Burleigh County sheriff, reported that his department provided security for a total of 97½ man-hours. He said only the first 60 hours will be reimbursed by the federal government at a rate of \$5 an hour and that he hasn't yet determined what hourly rate he will set for the remaining 37½ hours, which will be paid by Burleigh County.

(Indicate page, name of newspaper, city and state.)

2 BISMARCK TRIBUNE
Bismarck, N.D.

Date: June 13, 1975

Edition: Daily

Author:

Editor: John O. Hjelle

Title: Russell Means

Character:

or

Classification: 89-231-39
Submitting Office: Minneapolis

☐ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED
FBI - MINNEAPOLIS	
JUN 15 1975	

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, MINNEAPOLIS (89-231) (P)

DATE: 7/11/75

FROM :

SA [REDACTED]

b6
b7C

SUBJECT:

RUSSELL CHARLES MEANS:

LT. [REDACTED]

BIA - [REDACTED]

AFO

(OO: MP)

ReMPmemo of SA [REDACTED], 6/13/75.

AT BISMARCK, NORTH DAKOTA

[REDACTED], General Services Administration (GSA), Room 228, Federal Building, 3rd Street and Rosser Avenue, Bismarck, North Dakota, stated on 7/3/75 that 7 Federal Protective Service officers will be assigned to the Federal Building at Bismarck for the period 7/9-11/75. Their purpose will be to assist in handling any crowd that might be present for the Preliminary Hearing of RUSSELL MEANS and [REDACTED] on 7/10/75 at 1:30 PM.

The FPO's will be lodged at the Fleck House Motel, Bismarck, located one block from the Federal Building.

② - Minneapolis

jmf

[Handwritten signature]

89-231-40

SEARCHED	INDEXED
SERIALIZED	FILED
JUL 11 1975	



FEDERAL BUREAU OF INVESTIGATION

Date of transcription 6/16/75

[redacted] also known as [redacted] was interviewed at the police department at Twin Buttes, North Dakota, in the presence of Bureau of Indian Affairs (BIA) Police Officer [redacted]. [redacted] stated that she is an American Indian, female, born [redacted] just completed the eleventh grade, and lives with her parents, [redacted] and [redacted] in Twin Buttes.

She advised that on the night of June 6, 1975, she attended a pow wow and dance at Twin Buttes, which was also attended by RUSSELL MEANS and several of his friends. At about 2:00 or 3:00 a.m., on June 7, 1975, when the dance was over, [redacted] left Twin Buttes with her sister, [redacted] and [redacted] in [redacted] black 1964 Ford. To the best of recollection, there were three cars that left Twin Buttes together, that morning, and they were a green car, driven by RUSSELL MEANS and another car, driven by RUSSELL MEANS' [redacted] name unknown, in addition to [redacted] car.

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They all drove to Bismarck, North Dakota, where they stayed, for a short time, at RUSSELL MEANS' house. Another man, name unknown, and driving a green pickup truck, arrived at the MEANS house. A short time later, the group, consisting of the pickup and three or possibly four cars left Bismarck, for Fort Yates, North Dakota. En route, the group stopped at Huff, North Dakota, where they went into a bar and played pool. RUSSELL MEANS and most of the others were in the bar. From there, the group drove to Fort Rice, North Dakota, where they got gas and then went to a bar. [redacted] slept in the car most of the time they were there, although she did go inside, for a short time. She stated that there was a fight inside the bar at Fort Rice, but she could not say who was involved in it.

Interviewed on 6/11/75 at Twin Buttes, North Dakota File # MP 89-231 -41
by SA [redacted] Date dictated 6/16/75

From Fort Rice, the group drove their vehicles toward Fort Yates, but just after crossing the bridge onto the reservation, they all stopped along the road, so that the girls could go to the bathroom. [redacted] stated that there were some beers in the car she was in during the period of time, but those in her car were not drinking. She could not say what they were doing in the other cars, although she was sure that they did have beer.

While they were parked alongside the road, a white BIA Police car with red and yellow lights on top, drove by a time or two. The lights were not flashing, and [redacted] could not recall if the car was otherwise marked, but everyone knew that it was a police car. One of the cars and the pickup truck were drag racing just before the police car had driven past them. The police car stopped at an approach, a little ways down the road and waited until the group was leaving in their cars for Fort Yates. The police car stopped by the pickup truck and the police officer was talking to the occupants. [redacted] observed RUSSELL MEANS and [redacted] walk up to the police car. [redacted] had been riding in the same car with RUSSELL MEANS. The police officer, who was driving, was in uniform, but the young man with him was not in any kind of a uniform.

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[redacted] could not hear the conversation between the men, but she saw [redacted] and RUSSELL MEANS talking to the police officer. [redacted] The younger man, with Officer [redacted] was [redacted] and he stayed on the passenger side of the car, while [redacted] talked to [redacted] and RUSSELL MEANS, towards the front, on the driver's side of the car. She saw RUSSELL MEANS walk over to the younger [redacted] side of the car and talked with him. [redacted] started to go around the front of the car, to where RUSSELL MEANS was, when [redacted] grabbed his arm and [redacted] went down to the ground". [redacted] saw [redacted] holding his head with his hands, but could not say whether [redacted] had hit him on the head or if he had hit his head on the pavement, when he went down. She recalled that [redacted] had his hand gun in his hand, before [redacted] had started to walk away from him. She did not see if [redacted] hit

[redacted] on the head with his gun or not. She did not see any blows, but only saw [redacted] grab [redacted] arm and put him down. This incident happened in front of the police car, on the driver's side.

[redacted] rolled over in the direction of RUSSELL MEANS, who was near the front of the car, on the right side. At about that time, [redacted] got a big gun, that looked like a rifle, out from the car and held it on the group that was watching, in order to keep them from interfering. RUSSELL MEANS bent over [redacted] to help him up. It then appeared to [redacted] that [redacted] had RUSSELL MEANS by the hair and then she saw RUSSELL MEANS go down to the ground, in front of the police car and [redacted] said that it did not appear that RUSSELL MEANS and [redacted] were fighting, and she could not say, with certainty, what made RUSSELL MEANS go down to the ground.

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[redacted] looked away from the struggle momentarily and then she heard a gun shot. She did not see who fired the shot, but is sure that it was [redacted] who had the hand gun in his hand. RUSSELL MEANS clutched himself low on his back or upper buttocks and fell to the ground. [redacted] was still holding the big gun on those standing by the cars.

[redacted] observed the incident just described from her sister's [redacted] car, which was parked behind RUSSELL MEANS' car, as well as across the road and in front of the police car. Those who were outside, observing the struggle, were standing on both sides of RUSSELL MEANS' car, across the road from the police car. [redacted] was in the right side of the back seat of her sister's car, which would have been on the side away from the police car. Seated to her left, in the back seat, was [redacted] [redacted] was in the passenger's side of the car, while [redacted] was in the driver's seat. All four of them stayed inside the car, during the entire incident.

MP 89-231

When the gun went off, [] screamed and turned away from the struggle. When she looked back, she saw [] and RUSSELL MEANS getting into the police car and then she saw [] and [] get into the car and drive off towards Fort Yates. The other cars followed the police car for a while, until they were stopped by a number of other police cars. [] and the others were then put into police cars, while police officers drove their cars to Fort Yates. [] and her associates were put in jail at Fort Yates, from about 5:00 a.m. to 11:00 a.m. the next morning, at which time they were released.

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[] advised that her sister [] is employed at United Tribes Training Center and resides at [] Avenue, in Bismarck. Her roommate is [] (last name unknown).

[] was last known to be staying in Bismarck with [] and [] He is unemployed.

UNITED STATES versus RUSSELL MEANS and
[REDACTED]

SR-75-39

SUMMARY: This report relates to a violation of SECTION 111, TITLE 18, U.S.C.A. - RESISTING AND IMPEDING A FEDERAL OFFICER by RUSSELL MEANS, an adult male Indian, and an enrolled member of the Oglala Sioux Tribe of Indians, Pine Ridge, South Dakota, and [REDACTED] [REDACTED] an adult male Indian, and an enrolled member of the Rosebud Sioux Tribe of Indians, Rosebud, South Dakota, who did, on or about June 7, 1975, resist lawful arrest and did impede said arrest by attempting to assault [REDACTED] a Bureau of Indian Affairs Police Officer, and said offense did occur on Highway 1806 within the exterior boundaries of the Standing Rock Sioux Indian Reservation, Sioux County, northwest of Cannonball, North Dakota.

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SUMMARY

PAGE ____

88-221-42

FACTS: On June 7, 1975, at 3:42 p.m., a radio message was received from the Morton County Sheriff's office, Mandan, North Dakota, that RUSSELL MEANS and a group of Indians had assaulted two persons at Fort Rice, North Dakota, which is in Morton County. The identity of the victims were not given.

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At 3:52 p.m., Lt. [] observed the subjects at the Cannonball river. [] states there was a pickup and three vehicles. Lt. [] advises that [] was with him, so Lt. [] him to assist him.

At 4:31 p.m., Lt. [] was stopped by RUSSELL MEANS, who was standing in the middle of the highway, south of the [] residence in Sioux County. Lt. [] got out of the vehicle and MEANS asked [] what he wanted. [] stated, "Nothing, what do you want?"

[] said to Lt. [], "We don't want you harassing us." Lt. [] advised, "I'm not harassing you. If I was harassing you, I'd be over checking you out." RUSSELL MEANS said, "Check me out then." [] replied, "I have no reason to check you out." MEANS was standing in front of the police vehicle. MEANS then asked [] "Who are you?" [] replied, "I'm []" MEANS said, "You're a tough son of a bitch."

[] then started moving toward [] so Lt. [] grabbed him and [] resisted, so Lt. [] said, "You're under arrest." RUSSELL MEANS started toward Lt. [] so Lt. [] stated, "You're under arrest too."

FACTS

PAGE ____

FACTS CONT'D: Lt. [] advises others in the party began to surround him, as [] was hanging on to []. Lt. [] drew his revolver, and Lt. [] threw RUSSELL MEANS down, and in doing so, his gun discharged. The bullet ricocheted off the black top road and the bullet struck RUSSELL MEANS in the buttock. Lt. [] advises MEANS wouldn't get in the police unit, so [] picked MEANS up and put him in the vehicle. [] held the rest of the group off with a riot gun and they dispersed. Lt. [] advises the group then followed him to Fort Yates.

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At 5:00 p.m., RUSSELL MEANS refused medical assistance from Dr. [] at the Indian Health Service Hospital in Fort Yates, North Dakota. MEANS stated he would receive treatment from his medicine man, stating to Dr. [] that he knew his rights and could not be compelled to receive medical treatment.

Special Officer [] then instructed Lt. [] to lodge the subject in jail.

At 5:10 p.m., Special Officer [] telephonically advised Special Agent [] Federal Bureau of Investigation, Bismarck, North Dakota of the offense.

At 5:15 p.m., [] Bureau of Indian Affairs, Aberdeen, South Dakota, was telephonically advised of the facts by Special Officers [] and [].

At 9:50 p.m., on June 7, 1975, [redacted] an adult male Indian, appeared at the Fort Yates Police Department and advised Agency Special Officer [redacted] that RUSSELL MEANS wanted to see [redacted] at the hospital.

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While [redacted] was at the Public Health Service Hospital in Fort Yates, MEANS advised that he did not want any trouble at Fort Yates, since he planned on making this his home. MEANS stated he would like to know what authority [redacted] had. MEANS stated that he [redacted] [redacted] the [redacted] of the Bureau of Indian Affairs officer, is the one that shot him. MEANS was advised that this would be checked out.

MEANS also stated that he did not want to press charges against [redacted] [redacted] that he had already shook hands with [redacted]

MEANS also wanted to know what charges were against him, his [redacted] [redacted] and the others involved. Also stated that he was not at Fort Rice and that someone must have been using his name. MEANS was told that this would all be checked out.

On June 9, 1975, [redacted] Standing Rock Tribal Council, advised Agency Special Officer [redacted] that [redacted] had reported to him that Officer [redacted] shot RUSSEL MEANS.

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[redacted] advised on June 9, 1975 that, while at the [redacted] residence, he heard two shots. This statement was made in the [redacted] office in the presence of [redacted] and Mrs. [redacted] of the Standing Rock Agency.

At 1:10 p.m. on June 11, 1975, [redacted] informed Officers [redacted] and [redacted] that he heard four shots while he was walking near his corral, and that [redacted] was with him.

[redacted] advises he also heard tires squealing, and made a comment to [redacted] "What are they doing, having a drag race?" [redacted] stated the shot sounded muffled.

AT FORT YATES, NO. DAK.

06-11-75 11:50 AM

[redacted] 45-year-old male Indian, enrolled on the Standing Rock Sioux Reservation, and Lt. of Police with the Standing Rock Police Department at Fort Yates, North Dakota, furnished the following statement.

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Officer [redacted] advised that on June 7, 1975, he entered on duty at 3:30 p.m. He checked the Cannonball area, picked up [redacted] who is a Jailer/Radio Dispatcher at the Standing Rock Police Department, to take him to work at police headquarters, as Officer [redacted] was going to Fort Yates to gas up his unit and for police business.

At this time, [redacted] intercepted a radio message between the Fort Yates Police Department and the Morton County Sheriff's Office, advising of an incident at the Fort Rice Bar involving A.I.M. members with rifles.

[redacted] responded to the call by advising headquarters he would keep [redacted] with him until police assistance arrived from Fort Yates to assist with checking out the report.

Officer [redacted] then [redacted] and proceeded north on Highway 1806 to check on the whereabouts of subjects involved in incident at Fort Rice. [redacted] observed a party of persons on the south side of the Cannonball river, on the west side of the highway, which consisted of three cars and one pickup. [redacted] then called police headquarters, advising of the party believed to be subjects in the Fort Rice incident.

[redacted] PAGE ____

AT FORT YATES, NO. DAK.06-11-75

[] drove east along the Cannonball river about one half mile, turned around and got back on Highway 1806 and headed south. [] advises he then parked at the RIEDINGER turn off. A few minutes later, Sheriff KENNETH SNIDER came by and told [] that there was nobody at the Cannonball river bridge. [] again called police headquarters and advised of the Sheriff's report, and that he would continue to check for subjects.

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As [] approached the Cannonball river bridge, he observed the same vehicles. Police headquarters was notified of this. [] then turned east on the river road and drove about 1/4 mile and turned around. At this time, Officer [] observed a green pickup heading south on Highway 1806 at a high rate speed. Other vehicles with the party were parked west of the highway. The green car spun around at [] residence, turned off and faced north on Highway 1806. The pickup turned around on [] approach and parked there.

[] proceeded south on Highway 1806, and then noticed the pickup belonged to and was driven by [] [] stop-ped beside the pickup and asked him, "How is everything?" [] stated "Some white guy drew a rifle on us at the Fort Rice bar, and some great big white guy was standing in there and he looked pretty big, so we got the hell out of there." [] advised [] that the big man probably was [] as he is pretty big and quite old. [] replied, "Yes, he looked quite old." [] then said, "I'll see you" and backed up.

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AT FORT YATES, NO. DAK.06-11-75

[redacted] headed south and called headquarters to advise of his conversation with [redacted]. Officer [redacted] was instructed by police headquarters to go back and find out from [redacted] if he knew who was driving the other vehicles.

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At this time [redacted] noticed the other cars coming south, so he turned into the approach on the east side of the road, backed around and proceeded north. At this time, all the vehicles were parked on the west side of the road. A subject in a red shirt and brown or black vest got out of one of the cars and ran across the road into the driving lane to stop the police vehicle Officer [redacted] was driving. A second subject in a white Tshirt approached the police unit also, but did not get directly in front of the car.

[redacted] advises he got out of his squad car and his deputy, [redacted] got out also and stood by his door on the right side. Officer [redacted] walked toward the front of the car, and at this time, subject wearing the vest stood directly in front of the squad car. The other subject blocked [redacted] approach, and subject with the vest asked [redacted] what he wanted. [redacted] stated that he didn't want anything and wanted to know what subject wanted. Subject wanted to know what [redacted] was doing driving up and down the roads. [redacted] informed subject that he is a police officer and this is his patrol district, and that he also patrols these roads. Subject then stated that this was his district also, and again wanted to know what [redacted] was doing there.

Subject walked directly in front of Officer [redacted] and demanded that he quit harrassing them. [redacted] advised that he was not harrassing them, if he were, he would be down checking them out. Subject in the vest then said, "Check me out." [redacted] replied that he had no reason to check him out, but if he did, he would be checked out.

PAGE ____

AT FORT YATES, NO. DAK.06-11-75

Subject then turned, walked toward Deputy [redacted] and asked, "Who are you?" He was informed, [redacted] Subject then moved directly in front of [redacted] and said, "You're a tough son of a bitch, aren't you?" [redacted] replied, "You God damn rights I am."

Subject in the white T shirt started towards the other subject and it appeared he was going to start something, so Officer [redacted] grabbed him by the hair in the back of the head. Subject raised his hand to Officer [redacted] and [redacted] threw subject to the ground, picked him up and advised him he was under arrest. Subject in the vest came running back to help his partner. [redacted] then drew his revolver and stepped to the east side of the road, still holding on to subject he arrested. At this time, another subject got out of the car nearest [redacted] and subject in the vest started to scuffle with [redacted] so [redacted] grabbed subject on the left shoulder, in which hand he had his service revolver, threw the subject to the ground, and on retrieving his revolver, it accidentally discharged.

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[redacted] placed the subject under arrest, and subject didn't appear to be hurt bad. Officer [redacted] stood him on his feet and helped both subjects into the back seat of the police car, while his deputy held off the remaining members of the party with a 12 ga. shotgun, as they were approaching Officer [redacted]

[redacted] advised headquarters of incident and proceeded south on Highway 1806 with flashing lights. [redacted] glanced in his rear view mirror

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UNITED STATES versus RUSSELL MEANS and
[redacted]

SR-75-39

AT FORT YATES, NO. DAK.

06-11-75

and observed the other vehicles following him, traveling at a speed 80 - 90 miles per hour. The green vehicle tail gated [redacted] all the way, at times, bumper to bumper, until intercepted by other police vehicles from headquarters.

While enroute to Fort Yates, Officer [redacted] discovered that subject who was shot was RUSSELL MEANS and advised police headquarters.

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RUSSELL MEANS was taken directly to the Public Health Service Hospital, but refused to enter the hospital for treatment, stating he knew his rights and could not be forced to go inside for treatment. MEANS also stated that his medicine man would take care of him. Criminal Investigator [redacted], Captain [redacted] Officer [redacted] and Dr. [redacted] were waiting at the hospital when [redacted] arrived with subjects.

After refusing treatment, RUSSELL MEANS was taken to the agency jail and lodged. Other subjects were taken from the police vehicle by Officers [redacted] and [redacted]

[redacted]
PAGE ____

UNITED STATES versus RUSSELL MEANS and
[redacted]

SR-75-39

AT CANNONBALL, NO. DAK.

06-11-75 2:55 PM

[redacted] furnished the following information to [redacted]
Special Officer, at the Public Health Clinic in Cannonball.

[redacted] states he was fixing fence on the hill by the [redacted]
[redacted] residence on June 7, 1975, with [redacted]
[redacted] two boys, and a guy by the name of [redacted]

[redacted] states he saw [redacted] police car go down the hill by [redacted]
then saw two cars come up the hill and turn around, they were both
side by side on the road. [redacted] thought they were going to drag race.

[redacted] states he saw [redacted] police car come back up the hill to-
ward the cars. Does not know if they stopped [redacted] or what, but he heard
two sounds in succession, and believes they could have been a shot and an
echo, or a car muffler. [redacted] states they were at the end of a ravine
so he could have heard an echo.

[redacted] states he saw [redacted] lights on top of his police car come
on and the police car started south. [redacted] states he then thought some-
thing must have happened after he saw the lights on the police car.

[redacted] is a former police officer with about fifteen years
experience.

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[redacted]
PAGE ____

MP 89-231

dkp

(1)

On June 12, 1975 and June 13, 1975, efforts were made to locate [redacted] and other witnesses to the incidents involving RUSSELL MEANS on June 7, 1975, with negative results.

On June 13, 1975, [redacted] was telephonically contacted by Special Agent [redacted] at her place of employment, the United Tribes Training Center. During that conversation, Miss [redacted] stated that she did not want to talk with Agents or anyone else about what she had observed on June 7, 1975. She said that she had given her story to RUSSELL MEANS [redacted] and she was told by him that she did not have to speak to anyone else.

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On the same date, [redacted] RUSSELL MEANS, was telephonically contacted at his office, in the United Tribes Training Center, at Bismarck. Mr. [redacted] was advised that difficulty was being encountered in locating witnesses to the June 7, 1975 incidents, involving RUSSELL MEANS, for purpose of interview. It was suggested that if he is in contact with any of those witnesses, and if they desire to make a statement to the FBI, that opportunity would be afforded them. Mr. [redacted] stated that he had spoken with [redacted] and [redacted] and, because he felt that they might be subject to prosecution, he had suggested that they not submit to interviews with law enforcement officials until they had conferred with their attorney. Mr. [redacted] said that he was not representing those two men. He had also spoken with [redacted] and, when she asked if she had to tell her story to law enforcement officials, he told her that she did not. Mr. [redacted] said that he is in regular contact with [redacted] but, because he is a close friend of RUSSELL MEANS, he did not think that [redacted] would want to submit to interview. He said that he would advise both [redacted] and [redacted] that they could make a statement to the FBI, that same day, if they so desired.

81-231-43

MD 89-231

[redacted] dkp
(2)

Mr. [redacted] assured that he had no information as to the whereabouts of [redacted]. He added that if any further warrants were forthcoming in this case, it might be advisable to allow him to contact the subjects of the warrants, so that he could ask them to surrender themselves to proper authorities. He was told that this information would be passed on to the Assistant U.S. Attorney handling the case.

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On the same day, Assistant U.S. Attorney [redacted] was advised of the specifics of the conversation with Mr. [redacted].

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE MINNEAPOLIS	OFFICE OF ORIGIN MINNEAPOLIS	DATE 7/11/75	INVESTIGATIVE PERIOD 6/11/75 - 7/1/75
TITLE OF CASE RUSSELL CHARLES MEANS. [REDACTED] LT. [REDACTED] BUREAU OF INDIAN AFFAIRS - [REDACTED]		REPORT MADE BY SA [REDACTED]	TYPED BY jmf
		CHARACTER OF CASE AFO	

REFERENCE:b6
b7C

Minneapolis report of SA [REDACTED] 6/13/75;
Minneapolis teletype to the Bureau, 6/18/75; Minneapolis letter to
the Bureau, 6/24/75.

- P -

LEADMINNEAPOLISAT BISMARCK, NORTH DAKOTA

Follow and report prosecutive action in U.S. District
Court.

ACCOMPLISHMENTS CLAIMED					<input type="checkbox"/> NONE	ACQUIT- TALS	CASE HAS BEEN:	
CONVIC.	FUG.	FINES	SAVINGS	RECOVERIES				
							PENDING OVER ONE YEAR <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
APPROVED COPIES MADE: 3 - Bureau (89-3220) 1 - USA, Fargo, North Dakota 1 - USA, Sioux Falls, South Dakota ② - Minneapolis (89-231) <i>jmf</i>						SPECIAL AGENT IN CHARGE <i>L</i>		DO NOT WRITE IN SPACES BELOW
						89-231-44		
						Searched <i>L</i> Serialized <i>L</i>		
						[REDACTED]		
Dissemination Record of Attached Report								
Agency								
Request Recd.								
Date Fwd.								
How Fwd.								
By								

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, Fargo, North Dakota
1 - USA, Sioux Falls, South Dakota

Report of:

[REDACTED]

Office: Minneapolis, Minnesota

Date:

July 11, 1975

Field Office File #: 89-231

Bureau File #: 89-3220

Title:

RUSSELL CHARLES MEANS;

[REDACTED]
LIEUTENANT [REDACTED]

BUREAU OF INDIAN AFFAIRS - [REDACTED]

b6
b7C

Character:

ASSAULTING A FEDERAL OFFICER

Synopsis:

Witnesses [REDACTED] Twin Buttes, North Dakota, and [REDACTED] Bismarck, North Dakota, interviewed and results set forth. Efforts to interview witnesses [REDACTED] and [REDACTED] [REDACTED] negative. BIA investigation set forth. Preliminary hearing scheduled for 7/10/75, before U.S. Magistrate, Bismarck. RUSSELL CHARLES MEANS bound over for trial on North Dakota state charges of "Aggravated Assault and Battery." Tribal charges against MEANS and [REDACTED] [REDACTED] postponed indefinitely at Fort Yates, North Dakota. ARMED AND DANGEROUS.

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North Dakota.
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- a)
- b)
- c)
- d)

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1. Federal
2. State
3. Tribal

MP 89-231

DETAILS:

I. WITNESS INTERVIEWS

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 6/18/75

[redacted] also known as [redacted] was interviewed at the [redacted] residence, apartment [redacted] Bismarck. [redacted] advised that he is staying with the [redacted] for a few days, but will soon be going back to live with his aunt, [redacted] who resides in the community of Twin Buttes, North Dakota. In about July, [redacted] plans to return to his parent's residence. They are Mr. and Mrs. [redacted] Blaine, Minnesota.

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[redacted] advised that on the night of June 6, 1975, he attended a pow wow and dance at Twin Buttes, with his girlfriend, [redacted] whose real name is [redacted]. They went to the pow wow with [redacted] sister, [redacted] and her boyfriend, [redacted]. [redacted] stated that he is not affiliated with the American Indian Movement (AIM), but he found out that they were going to an AIM dance. [redacted] also said to him "we're with AIM". RUSSELL MEANS and several of his associates were at the dance.

At about 3:00 a.m. CT (Central Time), [redacted] the [redacted] girls and [redacted] left the dance in [redacted] black 1964 Ford. [redacted] was driving and they traveled from Twin Buttes to Richardton, North Dakota, with RUSSELL MEANS and some friends, who were in two other cars. [redacted] recalled that RUSSELL MEANS was in a blueish green car, with [redacted]. Also there was a dark blue Maverick, occupied by two girls, names unknown. There may have been others in the cars, but [redacted] could not say who they might have been.

In Richardton, MEANS and [redacted] called a police officer and had him open a gas station for them. They gassed up their cars and left Richardton at about 4:30 a.m. (CT). The three cars traveled on I-94 to Bismarck, North Dakota, where they went to RUSSELL MEANS's house which is located on about 10th Street, next to a

Interviewed on 6/12/75 at Bismarck North Dakota File # MP 89-231

by SA [redacted] Date dictated 6/12/75

trailer court. Upon their arrival there, [redacted] and [redacted] slept in their car, while [redacted] and [redacted] went inside the house. They slept and subsequently ate some food in their car, where they remained until about 11:00 a.m. CT. At about that time, a big Indian male, [redacted] (last name unknown) came to the MEANS house in his red and white Chevrolet pickup with a storage top built into the bed. [redacted] and [redacted] got into the car and told [redacted] that they were going to [redacted] place in Cannon Ball, for a barbeque steak cookout. The three cars previously described, plus [redacted] pickup, traveled in caravan fashion, towards Cannon Ball.

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The first stop they made along the road was at a bar, which was in a pink building, in Huff, North Dakota. [redacted] and the [redacted] girls stayed in the car, outside, because they were under 21, but all of the others, including RUSSELL MEANS, went inside. [redacted] and the girls did go inside the bar for about five minutes, but they were not aware of any trouble there. They ate sandwiches in the car outside and then the group got on the road again and traveled approximately five miles to their next stop at Fort Rice, North Dakota.

The car [redacted] was in, arrived at Fort Rice before any of the others. They gassed the car up in Fort Rice and then waited for the others. [redacted] pickup truck ran out of gas between Huff and Fort Rice, and so the others pushed the pickup to Fort Rice, where they all gassed up. They were at a gas station with a grocery store attached on the north end of town. Then they all went to a bar, which is located at the other end of town, in Fort Rice. Everyone went inside the bar, except [redacted] the [redacted] girls and [redacted]. Before going inside the bar, [redacted] took a .30-.30 rifle from the rack, inside his pickup truck and unloaded it beside the vehicle. [redacted] heard that [redacted] was taking the rifle inside the bar in an attempt to hock it. [redacted] observed [redacted] carry the rifle, which was apparently empty, into the bar. [redacted] maintained that he and the [redacted] girls did not go into

the bar, but he did say that [] may have gone inside for a few minutes. A short time later, the group came outside from the bar and they were carrying about three cases of beer. [] was carrying the gun out and he put it back on the rack in his truck. There was no mention of a fight in the bar and [] was not aware of any trouble there. They split the beer up between the cars and again went on their way towards Cannon Ball.

[] stated that there were four or possibly five cars that traveled from Bismarck en route to Cannon Ball, in the caravan he has been describing. The same four persons, including himself, were in the black 1964 Ford. The two girls, whose names he could not recall, and who had traveled with them from Twin Buttes, were still in the groups. RUSSELL MEANS, [] and [] were in the other car that had come from Twin Buttes. [] (last name unknown), his girlfriend and child were in the pickup truck. [] was the only one in the group that [] thought may have been drunk, during the trip. He said that there might have been another car, but he could not think of the car or who might have been in it.

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The caravan left Fort Rice, with the [] car leaving first and the others following. The cars proceeded to pass each other several times, as they traveled and finally they crossed the bridge, over the Cannon Ball river and pulled into a roadside area, just on the other side of the bridge. At that point, the lead car was the pickup truck, then the MEANS car, the [] car and the car with the two girls. [] parked the car a little ways away from the place where the other cars were parked and then he got out and went over to the rest of the group, where they were drinking. [] and the [] girls stayed in the parked car, where they remained for about ten or fifteen minutes.

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[redacted] observed a white Bureau of Indian Affairs (BIA) police car, with a red light on top, patrolling the road on the opposite side of the park. At about that time, [redacted] took his pickup truck and [redacted] raced (drag) along the road in the direction of Cannon Ball. [redacted] turned around on an approach to the highway and headed back to the group. The pickup backed into an approach and, about that time, the police car passed the group and went to the top of the rise, where the pickup truck was. The police car pulled alongside the pickup truck and the police officer inside talked briefly to [redacted] in the pickup truck. The police car remained beside the pickup truck for about one or one and a half minutes and then drove off in the direction of Cannon Ball. At about the same time, all of the other cars in the group were driven to the top of the rise to find out what the policeman had wanted. By the time these cars got to the road from the roadside area, the police car was leaving. The police car went a short distance and then turned around and came back towards the group. As the police car approached, RUSSELL MEANS and [redacted] walked out into the road and stopped the police car. The police officer, who was in uniform, got out from behind the steering wheel and talked to the two men. The boy, who was riding in the passenger side of the front seat with the police officer, and who [redacted] subsequently learned was the [redacted] remained seated, although the door was open and his legs were outside. [redacted] observed the police officer unsnap the strap over his gun as he got out of the car.

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RUSSELL MEANS and [redacted] talked to the police officer for a time near the front of the car, by the left headlight. [redacted] then walked over to the right side of the car and was talking to the [redacted] while standing near the right headlight. [redacted] could not hear the conversation, but said that there did not appear to be any kind of an argument going on.

The police officer went over to [redacted] grabbed him by his hair, from the front, on both sides, and shook him to the ground. [redacted] went down and

the police officer still had him by the hair. RUSSELL MEANS went over to [redacted] to help. The police officer, who was still holding [redacted] down by the hair, grabbed RUSSELL MEANS by the scruff of his neck and put him down on the ground. The police officer's gun was still in its holster. [redacted] observed RUSSELL MEANS start to get up, while [redacted] was still on the ground on his knees. At that point, [redacted] looked away towards [redacted] and then he heard a shot. He looked up and saw RUSSELL MEANS grab the rear of his back, on the left side, high on his buttocks and go down to the ground. The [redacted] had pulled a shotgun out of the car at about that time and was covering the others, who were across the street, by the rest of the cars, watching. The police officer then picked up RUSSELL MEANS from the ground, by the back of his belt, held [redacted] by his shoulder, and put them both into the back of the squad car. The police officer and [redacted] then both jumped into the car, turned around, and drove off with his red light flashing and at a high rate of speed.

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All of the vehicles that had been parked by the scene of the incident just described then proceeded to follow and keep up with the police car. The car that the MEANS [redacted] had been in was the only one between the police car and the car in which [redacted] was riding. [redacted] could not say if the MEANS car bumped the police car or not, but he did know that the car he was in, bumped the [redacted] car at least once. [redacted] was driving the [redacted] car, while [redacted] was driving the car in which [redacted] was riding.

As they traveled, they passed several police cars. The police cars turned around, caught the procession, and stopped all of the cars, except the police car. The occupants were ordered out of the cars, were spread against the cars and searched, and then were placed in squad cars. The [redacted] girls and [redacted] were put in one car, while [redacted] and [redacted] were put in another. [redacted] tried to get into the police car with his brother and the [redacted] girls, but the police told him to go home, and would not take him with them. Somehow, the girls who

had been driving the other car in the procession, had gotten away. With the police driving both the police cars and the other cars that had been in the procession, the group proceeded to the jail at Fort Yates. When they arrived there, [redacted] was already in a cell and was drunk. [redacted] came into the jail, as [redacted] arrived and he was shouting "get [redacted] to a hospital". He was swinging at the officers, so he was arrested. There was no other trouble at the jail.

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[redacted] recalled that he was put in jail at about 4:45 p.m. and remained there until 11:30 a.m., the next morning. At 7:30 p.m. on the night of June 7, 1975, RUSSELL MEANS was transferred from the jail to the hospital. To the best of [redacted] knowledge, this was the first time that RUSSELL MEANS asked to be taken to a hospital and his request was honored. He recalled that RUSSELL MEANS' hair was in a ponytail throughout the day, just described.

[redacted] stated that he did not know where [redacted] could be contacted. He said that [redacted] was living at Johnny Ruth Villa, apartment [redacted] 315 West Indiana, telephone [redacted] and she was working at United Tribes Training Center, telephone 225-3285, extensions [redacted].

[redacted] stated that he is an American Indian male, born [redacted] Selective Service Number [redacted]

MP 89-231

II. BIA INVESTIGATION

MP 89-231

AT BISMARCK, NORTH DAKOTA

On June 13, 1975, [redacted] Agency Special Officer, Bureau of Indian Affairs (BIA), Standing Rock Indian Reservation, Agency Headquarters at Fort Yates, North Dakota, submitted to the Federal Bureau of Investigation (FBI) a copy of the Bureau of Indian Affairs report concerning the matter entitled "United States versus RUSSELL MEANS and [redacted]" The report read as follows:

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SUMMARY: This report relates to a violation of SECTION III, TITLE 18, U.S.C.A. - RESISTING AND IMPEDING A FEDERAL OFFICER by RUSSELL MEANS, an adult male Indian, and an enrolled member of the Oglala Sioux Tribe of Indians, Pine Ridge, South Dakota, and [REDACTED] [REDACTED] an adult male Indian, and an enrolled member of the Rosebud Sioux Tribe of Indians, Rosebud, South Dakota, who did, on or about June 7, 1975, resist lawful arrest and did impede said arrest by attempting to assault [REDACTED] a Bureau of Indian Affairs Police Officer, and said offense did occur on Highway 1806 within the exterior boundaries of the Standing Rock Sioux Indian Reservation, Sioux County, northwest of Cannonball, North Dakota.

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FACTS: On June 7, 1975, at 3:42 p.m., a radio message was received from the Morton County Sheriff's office, Mandan, North Dakota, that RUSSELL MEANS and a group of Indians had assaulted two persons at Fort Rice, North Dakota, which is in Morton County. The identity of the victims were not given.

At 3:52 p.m., Lt. [] observed the subjects at the Cannonball river. [] states there was a pickup and three vehicles. Lt. [] advises that [] was with him, so Lt. [] him to assist him.

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At 4:31 p.m., Lt. [] was stopped by RUSSELL MEANS, who was standing in the middle of the highway, south of the [] residence in Sioux County. Lt. [] got out of the vehicle and MEANS asked [] what he wanted. [] stated, "Nothing, what do you want?"

[] said to Lt. [], "We don't want you harassing us." Lt. [] advised, "I'm not harassing you. If I was harassing you, I'd be over checking you out." RUSSELL MEANS said, "Check me out then." [] replied, "I have no reason to check you out." MEANS was standing in front of the police vehicle. MEANS then asked [] "Who are you?" [] replied, "I'm [] MEANS said, "You're a tough son of a bitch."

[] then started moving toward [] so Lt. [] grabbed him and [] resisted, so Lt. [] said, "You're under arrest." RUSSELL MEANS started toward Lt. [] so Lt. [] stated, "You're under arrest too."

FACTS CONT'D: Lt. [] advises others in the party began to surround him, as [] was hanging on to []. Lt. [] drew his revolver, and Lt. [] threw RUSSELL MEANS down, and in doing so, his gun discharged. The bullet ricocheted off the black top road and the bullet struck RUSSELL MEANS in the buttock. Lt. [] advises MEANS wouldn't get in the police unit, so [] picked MEANS up and put him in the vehicle. [] held the rest of the group off with a riot gun and they dispersed. Lt. [] advises the group then followed him to Fort Yates.

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At 5:00 p.m., RUSSELL MEANS refused medical assistance from Dr. [] at the Indian Health Service Hospital in Fort Yates, North Dakota. MEANS stated he would receive treatment from his medicine man, stating to Dr. [] that he knew his rights and could not be compelled to receive medical treatment.

Special Officer [] then instructed Lt. [] to lodge the subject in jail.

At 5:10 p.m., Special Officer [] telephonically advised Special Agent [] Federal Bureau of Investigation, Bismarck, North Dakota of the offense.

At 5:15 p.m. [] Bureau of Indian Affairs, Aberdeen, South Dakota, was telephonically advised of the facts by Special Officers [] and [].

At 9:50 p.m., on June 7, 1975, [redacted], an adult male Indian, appeared at the Fort Yates Police Department and advised Agency Special Officer [redacted] that RUSSELL MEANS wanted to see [redacted] at the hospital.

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While [redacted] was at the Public Health Service Hospital in Fort Yates, MEANS advised that he did not want any trouble at Fort Yates, since he planned on making this his home. MEANS stated he would like to know what authority [redacted] had. MEANS stated that he, [redacted] the [redacted] of the Bureau of Indian Affairs officer, is the one that shot him. MEANS was advised that this would be checked out.

MEANS also stated that he did not want to press charges against [redacted] [redacted] that he had already shook hands with [redacted]

MEANS also wanted to know what charges were against him, [redacted] [redacted] and the others involved. Also stated that he was not at Fort Rice and that someone must have been using his name. MEANS was told that this would all be checked out.

On June 9, 1975 [redacted] Standing Rock Tribal Council, advised Agency Special Officer [redacted] that [redacted] had reported to him that Officer [redacted] shot RUSSEL MEANS.

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[redacted] advised on June 9, 1975 that, while at the [redacted] residence, he heard two shots. This statement was made in the [redacted] office in the presence of [redacted] and Mrs. [redacted] of the Standing Rock Agency.

At 1:10 p.m. on June 11, 1975, [redacted] informed Officer [redacted] and [redacted] that he heard four shots while he was walking near his corral, and that [redacted] was with him.

[redacted] advises he also heard tires squealing, and made a comment to [redacted] "What are they doing, having a drag race?" [redacted] stated the shot sounded muffled.

AT FORT YATES, NO. DAK.

06-11-75 11:50 AM

[redacted] 45-year-old male Indian, enrolled on the Standing Rock Sioux Reservation, and Lt. of Police with the Standing Rock Police Department at Fort Yates, North Dakota, furnished the following statement.

Officer [redacted] advised that on June 7, 1975, he entered on duty at 3:30 p.m. He checked the Cannonball area, picked up [redacted] [redacted] who is a Jailer/Radio Dispatcher at the Standing Rock Police Department, to take him to work at police headquarters, as Officer [redacted] was going to Fort Yates to gas up his unit and for police business.

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At this time, [redacted] intercepted a radio message between the Fort Yates Police Department and the Morton County Sheriff's Office, advising of an incident at the Fort Rice Bar involving A.I.M. members with rifles.

[redacted] responded to the call by advising headquarters he would keep [redacted] with him until police assistance arrived from Fort Yates to assist with checking out the report.

Officer [redacted] then [redacted] and proceeded north on Highway 1806 to check on the whereabouts of subjects involved in incident at Fort Rice. [redacted] observed a party of persons on the south side of the Cannonball river, on the west side of the highway, which consisted of three cars and one pickup. [redacted] then called police headquarters, advising of the party believed to be subjects in the Fort Rice incident.

AT FORT YATES, NO. DAK.

06-11-75

[] drove east along the Cannonball river about one half mile, turned around and got back on Highway 1806 and headed south. [] advises he then parked at the RIEDINGER turn off. A few minutes later, Sheriff KENNETH SNIDER came by and told [] that there was nobody at the Cannonball river bridge. [] again called police headquarters and advised of the Sheriff's report, and that he would continue to check for subjects.

As [] approached the Cannonball river bridge, he observed the same vehicles. Police headquarters was notified of this. [] then turned east on the river road and drove about 1/4 mile and turned around. At this time, Office [] observed a green pickup heading south on Highway 1806 at a high rate speed. Other vehicles with the party were parked west of the highway. The green car spun around at [] residence, turned off and faced north on Highway 1806. The pickup turned around on [] approach and parked there.

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[] proceeded south on Highway 1806, and then noticed the pickup belonged to and was driven by [] stop-
ped beside the pickup and asked him, "How is everything?" []
[] stated "Some white guy drew a rifle on us at the Fort Rice bar, and some great big white guy was standing in there and he looked pretty big, so we got the hell out of there." [] advised []
that the big man probably was [] as he is pretty big and quite old. [] replied, "Yes, he looked quite old." [] then said, "I'll see you" and backed up.

AT FORT YATES, NO. DAK.

06-11-75

[redacted] headed south and called headquarters to advise of his conversation with [redacted]. Officer [redacted] was instructed by police headquarters to go back and find out from [redacted] if he knew who was driving the other vehicles.

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At this time [redacted] noticed the other cars coming south, so he turned into the approach on the east side of the road, backed around and proceeded north. At this time, all the vehicles were parked on the west side of the road. A subject in a red shirt and brown or black vest got out of one of the cars and ran across the road into the driving lane to stop the police vehicle Officer [redacted] was driving. A second subject in a white Tshirt approached the police unit also, but did not get directly in front of the car. [redacted] advises he got out of his squad car and his deputy, [redacted] got out also and stood by his door on the right side. Officer [redacted] walked toward the front of the car, and at this time, subject wearing the vest stood directly in front of the squad car. The other subject blocked [redacted] approach, and subject with the vest asked [redacted] what he wanted. [redacted] stated that he didn't want anything and wanted to know what subject wanted. Subject wanted to know what [redacted] was doing driving up and down the roads. [redacted] informed subject that he is a police officer and this is his patrol district, and that he also patrols these roads. Subject then stated that this was his district also, and again wanted to know what [redacted] was doing there.

Subject walked directly in front of Officer [redacted] and demanded that he quit harrassing them. [redacted] advised that he was not harrassing them, if he were, he would be down checking them out. Subject in the vest then said, "Check me out." [redacted] replied that he had no reason to check him out, but if he did, he would be checked out.

AT FORT YATES, NO. DAK.

06-11-75

Subject then turned, walked toward Deputy [] and asked, "Who are you?" He was informed, [] Subject then moved directly in front of [] and said, "You're a tough son of a bitch, aren't you?" [] replied, "You God damn rights I am."

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Subject in the white T shirt started towards the other subject and it appeared he was going to start something, so Officer [] grabbed him by the hair in the back of the head. Subject raised his hand to Officer [] and [] threw subject to the ground, picked him up and advised him he was under arrest. Subject in the vest came running back to help his partner. [] then drew his revolver and stepped to the east side of the road, still holding on to subject he arrested. At this time, another subject got out of the car nearest [] and subject in the vest started to scuffle with [] so [] grabbed subject on the left shoulder, in which hand he had his service revolver, threw the subject to the ground, and on retrieving his revolver, it accidentally discharged.

[] placed the subject under arrest, and subject didn't appear to be hurt bad. Officer [] stood him on his feet and helped both subjects into the back seat of the police car, while his deputy held off the remaining members of the party with a 12 ga. shotgun, as they were approaching Officer []

[] advised headquarters of incident and proceeded south on Highway 1806 with flashing lights. [] glanced in his rear view mirror

AT FORT YATES, NO. DAK.

06-11-75

and observed the other vehicles following him, traveling at a speed 80 - 90 miles per hour. The green vehicle tail gated [] all the way, at times, bumper to bumper, until intercepted by other police vehicles from headquarters.

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While enroute to Fort Yates, Officer [] discovered that subject who was shot was RUSSELL MEANS and advised police headquarters.

RUSSELL MEANS was taken directly to the Public Health Service Hospital, but refused to enter the hospital for treatment, stating he knew his rights and could not be forced to go inside for treatment. MEANS also stated that his medicine man would take care of him. Criminal Investigator [] Captain [] Officer [] and Dr. [] were waiting at the hospital when [] arrived with subjects.

After refusing treatment, RUSSELL MEANS was taken to the agency jail and lodged. Other subjects were taken from the police vehicle by Officers [] and []

AT CANNONBALL, NO. DAK.

06-11-75 2:55 PM

[redacted] furnished the following information to [redacted] Special Officer, at the Public Health Clinic in Cannonball.

[redacted] states he was fixing fence on the hill by the [redacted] residence on June 7, 1975, with [redacted] two boys, and a guy by the name of [redacted]

[redacted] states he saw [redacted] police car go down the hill by [redacted], then saw two cars come up the hill and turn around, they were both side by side on the road. [redacted] thought they were going to drag race.

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[redacted] states he saw [redacted] police car come back up the hill toward the cars. Does not know if they stopped [redacted] or what, but he heard two sounds in succession, and believes they could have been a shot and an echo, or a car muffler. [redacted] states they were at the end of a ravine so he could have heard an echo.

[redacted] states he saw [redacted] lights on top of his police car come on and the police car started south. [redacted] states he then thought something must have happened after he saw the lights on the police car.

[redacted] is a former police officer with about fifteen years experience.

MP 89-231 .

III. PROSECUTIVE ACTION

PROSECUTION: FEDERAL

[redacted] voluntarily surrendered to the United States Marshal at Bismarck, North Dakota, during the evening of June 17, 1975, accompanied by [redacted] [redacted] United Tribes Employment Training Center, Bismarck, and was immediately afforded a hearing before U.S. Magistrate HARRY J. PEARCE. PEARCE released [redacted] on \$5,000 unsecured bond and appointed [redacted] Bismarck, as counsel.

The preliminary hearing in this matter was scheduled by U.S. Magistrate PEARCE for July 10, 1975, at 1:30 PM, at the Federal Building, Bismarck, North Dakota.

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PROSECUTION: STATE

RUSSELL CHARLES MEANS was afforded a preliminary hearing before Judge WILLIAM ENGELTER of the Morton County Court of Increased Jurisdiction, Mandan, North Dakota, on June 26, 1975. He was bound over for trial in Morton County District Court on a charge of "Aggravated Assault and Battery," in violation of Section 12-26-10, North Dakota Century Code. Personal recognizance bond in the amount of \$25,000 was continued.

PROSECUTION: TRIBAL

[redacted] Criminal Investigator, Bureau of Indian Affairs (BIA), Fort Yates, North Dakota, stated on July 1, 1975, that the Tribal Court appearance for individuals charged with violation of the Tribal Code, Standing Rock Sioux Tribe, on June 7, 1975, including RUSSELL CHARLES MEANS and [redacted] has been postponed indefinitely.

(Mount Clipping in Space Below)

Means to Face Assault Trial In District Court

By The Associated Press
American Indian Movement
leader Russell Means has been
bound over to Morton County
District Court on a charge of
aggravated assault.

The charge stemmed from
an incident at a Fort Rice bar
June 7.

Judge William Engelter of
the Morton County Court of
Increased Jurisdiction in
Mandan Thursday ordered
Means bound over for trial.
The trial date will be set by the
district court, a court
spokesman said.

At the preliminary hearing
Means' attorney, Ralph
LePera, Bismarck, asked
Engelter to retain jurisdiction
over the case and try it as a
"simple case of assault."

LePera said there appeared
to be a "lack of identification
and other ambiguities" con-
cerning the incident.

However, Morton County
State's Atty. Richard Schnell
said there "has been probable
cause shown of aggravated
assault." Schnell asked that
Means be bound over.

In binding over, Means
Engelter continued his \$25,000
personal recognizance bond.

The charge stemmed from
an altercation in which Arlen
Hettich, Mandan, was
allegedly struck with a rifle
butt.

Means still must face federal
charges of interfering with a
Bureau of Indian Affairs police
officer. That charge was
generated from an incident
following the bar altercation,
and Means is also free on a
personal recognizance bond
on that charge.

Means was wounded in the
BIA incident. He spent a week
recovering in a Bismarck
hospital.

(Indicate page, name of
newspaper, city and state.)

Page 1

THE BISMARCK TRIBUNE

Bismarck, No. Dakota

Date: 6/27/75
Edition: Final
Author: AP, Bismarck, ND
Editor: JOHN O. HJELLE

Title:
RUSSELL CHARLES MEANS;
ET AL

Character: AFO

or
Classification: MF 89-231

Submitting Office:

☒ Being Investigated

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MP 89-231
"The Bismarck Tribune"
Bismarck, North Dakota
6/27/75
Page 1



Photo by Bob Feickert

Three of Russell Means' four children were on hand to encourage him prior to his preliminary hearing in Mandan Thursday. Left to right are Scott, 9, Veronica, 8, and Sherry, 14. In the center is Joyce Selander who sat with the children in court room.

DIRECTOR, FBI (89-3220)
(ATTENTION: EXHIBITS SECTION)

7/10/75

SAC, MINNEAPOLIS (89-231) (P)

RUSSELL CHARLES MEANS:

LT. [REDACTED] BUREAU OF
INDIAN AFFAIRS - [REDACTED]
AFO

00: MINNEAPOLIS

Re Minneapolis report of SA [REDACTED]
6/13/75.

Enclosed for the Bureau are three pages of rough drafts of a diagram and code for the diagram as prepared by SA [REDACTED] and based on events which were involved in captioned offense.

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Assistant U.S. Attorney (AUSA) [REDACTED]
Bismarck, North Dakota, has requested that [REDACTED]

[REDACTED] trial in this matter has not yet been scheduled. The Preliminary Hearing has been scheduled for 7/10/75 and presentation to the Federal Grand Jury will be 7/15/75.

It is requested that the enclosures be examined by the Exhibits Section and an enlarged diagram be prepared as an exhibit for trial. The rough draft notes may be returned to Minneapolis upon completion of the exhibit.

2 - Bureau (Enc. 3)

2 - Minneapolis

[REDACTED] jmf

(4)

5
[Handwritten signature and stamp]

50 - 48

(Mount Clipping in Space Below)

Means Pleads Innocent In Resistance Case

Russell Means and Thomas Richard Poor Bear pleaded innocent here Thursday afternoon to charges of "resisting, imposing, impeding and interfering with a federal officer" in the performance of his duties.

The charges stem from an incident on the Standing Rock Indian Reservation June 7 during which Means was shot during a scuffle with BIA Lt. Pat Kelly and hospitalized.

In an arraignment before U.S. District Judge Bruce M. Van Sickle, attorneys for the two defendants introduced motions challenging the composition of the grand jury which handed down the indictments July 15, asking for a change of venue, and asking for a bill of particulars.

Means' acting attorney, Kenneth Tilsen, St. Paul, Minn., said after the arraignment the change in

venue was being requested because of assassination dangers to Means and because of pre-trial publicity.

Asst. U.S. Attorney David Peterson raised questions about the indigency of the defendants in light of their recent cross-country travels, and also asked the times and locations of all other pending trials for the defendants be made known in order to determine future bond violations.

No trial date was set pending a decision on the motions, but Judge Van Sickle said despite nine other pending trials against Means, he wanted to proceed with the trial in September unless it became impossible to work it with Means' other litigation.

Judge Van Sickle requested the defense attorneys make available to Peterson and the court a list of other trials, their

dates and the attorneys involved.

He also asked both Peterson and the defense attorneys to provide him with a statement and facts so he may decide the indigency question.

Means' attorney, Ralph LePera, could not attend the arraignment, and the court allowed Means to be represented by Tilsen at the last moment.

Tilsen, in addition to the other motions filed, questioned whether the court had jurisdiction in the case and whether the indictment fully covered a crime.

Judge Van Sickle said he would continue current level of bonding in the case, but invited either side to appear at a hearing Friday morning to request a change. Both Means and Poor Bear have been free on \$5,000 unsecured personal recognizance bonds.

(Indicate page, name of newspaper, city and state.)

Page 20

THE BISMARCK TRIBUNE

Bismarck, No. Dakota

Date: 8/1/75
Edition: Final
Author: Staff
Editor: JOHN O. HJELLE
Title: RUSSELL CHARLES
MEANS: [REDACTED]

XXXXXX [REDACTED] BIA -
or [REDACTED] AFO
Classification: MP 89-231
Submitting Office: MP
☒ Being Investigated

89-231-49
SEARCHED INDEXED
SERIALIZED FILED

b6
b7C

(continued on page 2)

MP 89-231

Note: Identity of Individuals in Photograph, below, left to right:

[REDACTED]
RUSSELL CHARLES MEANS. subject:

[REDACTED] aka [REDACTED]

RUSSELL CHARLES MEANS.

b6
b7c



Tribune Photo by Leo LaLonde

Means Enters Court

Escorted by friends, Russell Means (center), enters U.S. District Court Thursday to answer charges of "Resisting, imposing, impeding

and interfering with a federal officer" June 7. Means entered a plea of "innocent". No trial date has been set.

(Mount Clipping in Space Below)

Means pleads not guilty at N.D. hearing

BISMARCK, N.D. (AP) — American Indian Movement leader Russell Means and Thomas Richard Poor Bear pleaded innocent yesterday to charges of "resisting, imposing, impeding and interfering with a federal officer" in the performance of his duties.

The charges stem from an incident on the Standing Rock Indian Reservation June 7 during which Means was shot and later hospitalized.

In an arraignment before U.S. District Judge Bruce Van Sickle yesterday, attorneys for the defendants challenged the composition of the grand jury that handed down the indictment. The attorneys also asked for a change of venue and for a bill of particulars.

Means' acting attorney, Kenneth Tilsen, St. Paul, said later that the venue change was sought because of assassination dangers to Means and because of pre-trial publicity.

No trial date was set pending a decision on the motions, but the judge said he wanted to proceed with the trial in September unless it became impossible to arrange it with Means' nine other pending trials.

The judge also said he would continue the \$5,000 personal recognizance bond for each defendant.

(Indicate page, name of newspaper, city and state.)

8B MINNEAPOLIS STAR
Minneapolis, Minn.

Date: August 1, 1975

Edition: Evening

Author:

Editor: Lee Canning

Title: Russell Means

Character:

or

Classification: 89-231-50

Submitting Office: Minneapolis

☐ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 1 1975	
FBI-MINNEAPOLIS	

CC Sent To Bu RS 8-4-75

(Mount Clipping in Space Below)

Page 36—Wednesday, July 30, 1975—The BISMARCK TRIBUNE

Russell Means Arraignment Here Thursday

American Indian Movement leader Russell Means and Richard Poor Bear are to be arraigned in U.S. District Court here Thursday in one of a series of hearings beginning at 2 p.m.

Means and Poor Bear are charged with interfering with a federal officer in the performance of his duty. The charge stems from a June 7 incident on the Standing Rock Indian Reservation near Cannon Ball.

Means was shot during the scuffle and later hospitalized in Bismarck.

The AIM leader is scheduled to appear before U.S. District Judge Bruce M. Van Sickle. He has been free on a \$5,000 personal recognizance bond.

Also set to be arraigned Thursday is David Kirkaldie, New Town. Kirkaldie was indicted July 6 on charges of burglary and arson, allegedly committed on the Fort Berthold Indian Reservation.

(Indicate page, name of newspaper, city and state.)

Page 36

THE BISMARCK TRIBUNE

Bismarck, No. Dakota

Date: 7/30/75
Edition: Final
Author: Staff
Editor: JOHN O. HJELLE
Title: RUSSELL CHARLES
MEANS; [REDACTED]

LT. [REDACTED]

XXXXXX [REDACTED]

BIA-

or [REDACTED]

AFO

Classification: MP 89-231 -5/ b6 b7C

Submitting Office: MP

☒ Being Investigated

SEARCHED INDEXED
SERIALIZED FILED

AUG 8 1975

FBI - MINNEAPOLIS

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE MINNEAPOLIS	OFFICE OF ORIGIN MINNEAPOLIS	DATE 8/21/75	INVESTIGATIVE PERIOD 7/10-8/4/75
TITLE OF CASE RUSSELL CHARLES MEANS [REDACTED] LT. [REDACTED] BUREAU OF INDIAN AFFAIRS - [REDACTED]		REPORT MADE BY SA [REDACTED]	TYPED BY jmf
		CHARACTER OF CASE AFO	

REFERENCE:

Minneapolis report of SA [REDACTED] 7/11/75;
and Minneapolis letter to Bureau, 7/10/75.

b6
b7C

- P -

LEADMINNEAPOLISAT BISMARCK, NORTH DAKOTA

Follow and report prosecutive action in U.S. District
Court.

ACCOMPLISHMENTS CLAIMED				<input checked="" type="checkbox"/> NONE	ACQUIT- TALS	CASE HAS BEEN:
CONVIC.	FUG.	FINES	SAVINGS	RECOVERIES		
						PENDING OVER ONE YEAR <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

APPROVED

SPECIAL AGENT
IN CHARGE

DO NOT WRITE IN SPACES BELOW

COPIES MADE:

- 3 - Bureau (89-3220)
1 - USA, Fargo, North Dakota
1 - USA, Sioux Falls, South Dakota
② - Minneapolis (89-231)
- jmf*

89-231-52

Serialized
Indexed

Dissemination Record of Attached Report

Agency			
Request Recd.			
Date Fwd.			
How Fwd.			
By			

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, Fargo, North Dakota
1 - USA, Sioux Falls, South Dakota

Report of: [REDACTED]

Date: August 21, 1975

Office: MINNEAPOLIS, MINNESOTA

Field Office File #: 89-231

Bureau File #: 89-3220

Title: RUSSELL CHARLES MEANS;
THOMAS RICHARD POOR BEAR;
LIEUTENANT [REDACTED]
BUREAU OF INDIAN AFFAIRS - [REDACTED]

b6
b7C

Character: ASSAULTING A FEDERAL OFFICER

Synopsis: Statements of BIA Police Officers [REDACTED] and [REDACTED] Fort Yates, North Dakota, set forth. MEANS and POOR BEAR failed to appear for preliminary hearing on 7/10/75. Hearing continued until 7/18/75. MEANS and POOR BEAR indicted by FGJ, Fargo, North Dakota, 7/15/75, for violation Title 18, USC, Sections 111 and 1114. MEANS charged with Simple Assault in Municipal Court, Bismarck, North Dakota, 8/4/75. ARMED AND DANGEROUS.

- P -

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1.	Statement of [REDACTED] BIA Police Officer, Fort Yates, North Dakota.	
2.	Statement of [REDACTED] BIA Police Officer, Fort Yates, North Dakota.	
II.	<u>PROSECUTIVE ACTION</u>	11 - 12*
1.	Federal	
a)	Preliminary hearing, 7/10/75.	
b)	Indictment, 7/15/75.	
c)	Arraignment, 7/31/75.	
2.	Municipal Court, Bismarck, North Dakota	

b6
b7c

MP 89-231

By communication dated July 10, 1975, Mrs. [REDACTED]
[REDACTED] [REDACTED], Branch of Judicial, Prevention
and Enforcement Services, Bureau of Indian Affairs (BIA),
Fort Yates, North Dakota, submitted to the FBI a statement
by [REDACTED] BIA Police Officer, dated June 7, 1975,
and a statement by [REDACTED] BIA Police Officer,
furnished on June 13, 1975. Copies of these statements
follow:

b6
b7c

I, [] Bureau of Indian Affairs Police Officer, furnish the following information concerning my duties on June 7, 1975, between the hours of 4:00 p.m. and 6:00 p.m.

At 4:12 p.m. on June 7, 1975, I checked into the police department for duty and until 4:25 p.m., I was getting my gear together and a vehicle to head south for the South Dakota area. At this time, I was advised by Captain [] to stick around, as there had been some trouble at Fort Rice, North Dakota, and the Morton County Sheriff's office inquired as to how many units this department had available at this time.

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At 4:27 p.m., Captain [] instructed me to proceed to the Cannonball area with another officer. Officer [] and I departed for Cannonball at about 4:28 p.m. Captain [] informed that Lt. [] may need assistance.

At this time, Sgt. [] and [] had knocked the muffler off their police unit, so we exchanged units, as [] and I had been instructed to return to Fort Yates. As we were returning to Fort Yates, we heard a message by two-way radio that Lt. [] had been shot. A second or so later, Lt. [] was on the air, advising that it wasn't him, but RUSSELL MEANS who had been shot, and that he was shot accidentally.

The Fort Yates Police Department then advised to disregard on returning to Fort Yates and continue on to Cannonball. There was some traffic on the two-way radio, but we were unable to copy, due to the noise from our vehicle.

Lt. [] was on the radio again, advising that some cars were following him and were following very close at a high rate of speed and that he was enroute to Fort Yates with two of the subjects. We were near GULICKSON's crossing, when Officer [] cautioned us that all the vehicles were headed right in our direction. We stopped by mile post #24

south of GULLICKSON's gate and we could then see Lt. [redacted] police unit come over the hill, followed by a green vehicle and then a black Ford and some other car which we could not identify, as smoke was pouring out from the engine of our unit and I was afraid we may have blown the engine.

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We turned around and tried to catch up to the vehicles, but we couldn't get near until we started down cottonwood hill. At this time, Officer [redacted] was advising Officer [redacted] to slow down. The vehicles were finally stopped. I got out of my squad car and approached the black Ford and I could then identify the driver as [redacted]. I advised the subject to get out of his vehicle and that he was under arrest. Subject was then searched. As subject was about to get into the police vehicle, Officer [redacted] asked if I had searched another Indian male, my reply was "No". While in the police vehicle, [redacted] was also advised that he was arrested for failure to yield. I then searched the black Ford and found some beer on the front seat.

I drove the black Ford back to Fort Yates and the vehicle was parked at police headquarters. I was assisting other officers in lodging subjects when an unknown subject approached from the rear of the building and started shouting at the officers. I asked subject to leave twice, but he refused and stated he wasn't going to leave until they took [redacted] to the hospital. I asked the subject to leave again, he refused, and I then advised him he was under arrest for disturbing the peace. Subject started to resist and a scuffle ensued, so I used force by placing my arms under his arms and clasped my hands around the back of his neck. I then placed the subject in the male drunk tank and he was then identified as [redacted].

July 7, 1975

[redacted]
Officer

AT FORT YATES, NO. DAK.

06-13-75

I, [] Bureau of Indian Affairs Police Officer, furnish the following information concerning my duties between the hours of 8:00 a.m. on June 7, 1975 and 3:00 a.m. on June 8, 1975.

I was on patrol duty in McLaughlin, South Dakota, and at about 3:49 p.m. I was advised by Captain [] thru the Radio Dispatcher, [] to return to headquarters in Fort Yates to possibly assist Lt. [] in Cannonball, as RUSSELL MEANS and unknown other Indian subjects assaulted two people in the Fort Rice bar, and were headed south on Highway 1806. I was also advised that the Morton County Sheriff's unit was enroute from Mandan south to check it out.

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At 3:51 p.m., Officer [] and I started back to the Fort Yates area. While enroute, we received another radio message from Captain [] [] advising to return to Fort Yates and to disregard on traffic. We arrived back at the Fort Yates Police Department at 4:12 p.m. and out of service.

At 4:28 p.m., Officer [] and I checked out of the police department and were enroute north to the Sioux County line, and at 4:32 p.m., we exchanged police units with Officers [] and [] as the muffler had fallen off our unit, and Officers [] and [] were instructed to return to headquarters.

At 4:33 p.m., Officer [] and I were again on the road, traveling north towards Cannonball. We received a report, by two-way radio, that Officer [] had been shot. A few seconds later, Lt. [] was on the radio, advising that he was not shot, but that it was RUSSELL MEANS who was shot accidentally.

AT FORT YATES, NO. DAK.

06-13-75

Lt. [] called the police department again at 4:34 p.m., requesting police assistance as two of the vehicles were following him at a high rate of speed. At 4:41 p.m., Lt. [] requested that police assistance be hurried, as the lead vehicle was tail gating him.

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At 4:43 p.m., at GULLICKSON's crossing, we made contact with Lt. [] traveling at a high rate of speed with his emergency lights on, and a green 1965 Pontiac vehicle was bumper to bumper with Lt. [] police car. The driver of the green vehicle was an unknown male subject with an unknown female at his side.

A second vehicle was following about 10 - 15 feet behind the vehicle that was bumper to bumper with Officer [] unit. There were four occupants in the second vehicle and driver was [] driving a black 1964 Ford. At this time, I cautioned Officers [] and [] that [] was heading toward them.

[] and I then proceeded south to try to stop the vehicles from tail gating the police unit, and after chasing the vehicles for some distance, at 4:52 p.m., I advised [] to slow down, as subject's vehicle was now boxed in by three units. [] slowed his unit down to almost a complete stop and the green Pontiac then stopped. Officer [] and I got out of our unit, I opened subject's car door, advised subject to get out of the car, that he was under arrest.

Subject was leaning back in the car seat, and at this time he reached for the steering wheel or shift, so I warned him again that he was under arrest and started to reach for the shift and subject then grabbed my left wrist with his right hand. I grabbed subject by the right arm, forcing him out of his vehicle. Subject started to scuffle with me, so I used the

AT FORT YATES, NO. DAK.

06-13-75

necessary force to place him in the back seat of the police car. I then went to the other vehicle, a 1964 Ford, to assist Officer [redacted] as he had a subject under arrest and was about to put him in his unit. [redacted] [redacted] advised he would drive subject's vehicle and Officer [redacted] then proceeded to headquarters with subjects in his unit.

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As Officer [redacted] departed, an unknown male subject approached my police unit and attempted to open the back door. Subject came from a car parked a short distance up the road, but I did not see what car he got out of. This incident all took place near the Porcupine bridge. I told subject to leave, as this was none of his business, but subject tried to open the door again, so I pushed him away, and subject attempted a third time to open the door, I pushed him away again.

At this time, [redacted] approached the subject and called him [redacted] [redacted] started to take subject away and stated that they would get more guys and come to the jail.

Officer [redacted] and I then left the scene with three prisoners at 4:59 p.m. and arrived at police headquarters at 5:02 p.m. Subjects in my police unit were [redacted] and [redacted] and [redacted] I asked the male subject his name as he got out of the police car and he replied, [redacted]

The female subjects were taken to the front part of the agency jail and Officer [redacted] and I searched the male subject. At this time, subject requested a receipt for personal items taken from him. Subject was furnished a copy of the receipt after signing it. Jailer [redacted] then locked subject in the male drunk tank.

AT FORT YATES, NO. DAK.

06-13-75

Officer [redacted] and I then went to the front office to assist with lodging other subjects. At this time, the subject who had attempted to get into my police unit earlier near the Porcupine bridge entered the police department from the back door. Officer [redacted] told subject to leave several times, as subject was yelling at the officers. Subject would not leave, so [redacted] arrested him for disturbing the peace. I assisted Officer [redacted] to take subject to the male drunk tank to lodge him.

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At 7:05 p.m., Officer [redacted] and I were advised by Captain [redacted] to transport RUSSELL MEANS to the Public Health Service Hospital for treatment. We remained at the hospital with MEANS until 7:39 p.m., when Dr. [redacted] advised he would keep RUSSELL MEANS in the hospital for observation. I left Officer [redacted] at the hospital with MEANS and returned to the police department.

I was back on routine patrol until 10:35 p.m., when I was advised by Criminal Investigator [redacted] that he and I would escort the ambulance to transport RUSSELL MEANS to the hospital in Bismarck. We arrived at the St. Alexius Hospital in Bismarck at 11:33 p.m., where I assisted the ambulance driver to get MEANS out of the ambulance and into the hospital.

At 12:33 a.m. on June 8, 1975, we were back in service, returning to police headquarters and ended tour of duty at 3:00 a.m.

[redacted]
[redacted] B.I.A. Policeman

The preliminary hearing in this matter was convened on July 10, 1975, by U.S. Magistrate HARRY J. PEARCE in the Federal Building at Bismarck, North Dakota. The defendants, RUSSELL CHARLES MEANS and THOMAS RICHARD POOR BEAR, failed to appear. The preliminary hearing was rescheduled for July 18, 1975, at Bismarck.

The facts of this case were presented to the Federal Grand Jury at Fargo, North Dakota, by SA [redacted] on July 15, 1975. The Federal Grand Jury returned an indictment on that date charging RUSSELL CHARLES MEANS and THOMAS RICHARD POOR BEAR with violation of Title 18, United States Code, Sections 111 and 1114, as follows:

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b7C

"That on or about June 7, 1975, in the District of North Dakota, on the Standing Rock Sioux Indian Reservation, in Indian country, the defendants, RUSSELL CHARLES MEANS and THOMAS RICHARD POOR BEAR, did wilfully and forcibly resist, oppose, impede and interfere with Lieutenant PATRICK C. KELLY, an officer and employee of the Bureau of Indian Affairs, Department of Interior, stationed at the Standing Rock Sioux Indian Reservation, while said officer was engaged in the performance of his official duties."

The arraignment of RUSSELL CHARLES MEANS and THOMAS RICHARD POOR BEAR was held in United States District Court at Bismarck, North Dakota, on July 31, 1975, before Judge BRUCE M. VAN SICKLE. MEANS and POOR BEAR entered pleas of not guilty and bonds in the amount of \$5,000 unsecured personal recognizance were continued for both defendants.

On August 4, 1975, HARRY J. PEARCE, in his capacity as Municipal Judge, Bismarck, North Dakota, issued a warrant for the arrest of RUSSELL CHARLES MEANS for Simple Assault based on a complaint filed on August 4, 1975, by HERMAN J. JAHNER, 727 South 10th Street, Bismarck, North Dakota. JAHNER alleged that RUSSELL CHARLES MEANS assaulted him on August 1, 1975, at Bismarck, by striking him several times.

(Mount Clipping in Space Below)

Means Injured By Shattered Glass in S.D.

MISSION, S.D. (AP) — American Indian Movement (AIM) leader Russell Means was treated for a head wound Monday night, apparently suffered when shattered glass struck him, a Bureau of Indian Affairs spokesman said Tuesday.

Richard Colhoff, BIA special agent on the Rosebud Indian Reservation in south central South Dakota, said Means was injured about 10:30 p.m. in the incident five miles north of Rosebud on a reservation road.

Colhoff said his investigation shows that Means was a passenger in a car driven by Thomas Poor Bear. Means' brother, Dale Means, also was a passenger in the car, said Colhoff.

A vehicle passed Poor Bear's vehicle on the road, said Colhoff, and the left rear window of Poor Bear's car was shattered, apparently by a thrown object of some kind. He said Means apparently was struck by the flying glass.

Colhoff said he couldn't confirm or deny reports from other sources that a bullet shattered the window and grazed Means' forehead because his investigation was still continuing.

It reportedly took eight stitches at the Mission Hospital to close the wound on Means' forehead. He was released from the hospital after being treated.

(Indicate page, name of newspaper, city and state.)

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THE BISMARCK TRIBUNE

Bismarck, No. Dakota

Date: 7/29/75

Edition: Final

Author: AP, Mission, SD

b6

Editor: JOHN O. HJELLE

b7C

Title: RUSSELL CHARLES
MEANS: [REDACTED]

[REDACTED] I.T. [REDACTED]
[REDACTED] BIA -

XXX [REDACTED] AFO

Classification: MP 89-231

Submitting Office: MP

☐ Being Investigated

89-231/58

SEARCHED	INDEXED
SERIALIZED	FILED
JUL 31 1975	
FBI-MINNEAPOLIS	

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, MINNEAPOLIS (89-231) (P)

DATE: 8/12/75

FROM : SA [REDACTED]

b6
b7C

SUBJECT: RUSSELL CHARLES MEANS:

[REDACTED]
LT. [REDACTED] BUREAU OF
INDIAN AFFAIRS [REDACTED]
AFO
(OO: MP)

AT BISMARCK, NORTH DAKOTA

On 8/11/75, [REDACTED], Assistant U. S. Attorney, Bismarck, North Dakota, submitted to the FBI at Bismarck, North Dakota, a copy of the transcript of "Insight - August 8, 1975", a KFYR Radio editorial by reporter DENNIS NEUMANN, Bismarck. The transcript reads as follows:

"This is Insight, and I'm Dennis Neumann with some thoughts about trying that case in the press.

"Last week American Indian Movement Leader Russell Means appeared in Federal District Court in Bismarck and pleaded innocent to charges of interfering with a Federal officer in the performance of his duties.

"The charge stemmed from the June 7th episode on the Standing Rock Reservation during which Means was shot and hospitalized.

"At the court appearance last week an attorney for Means indicated a change of venue would be requested. The lawyer said the danger of assassination, and pre-trial publicity prohibited Means from receiving a fair trial in Bismarck.

"It is doubtful that Means has anything to fear in Bismarck. In fact, most people think his assassination paranoia is ridiculous. But, the matter of changing the trial location because of pre-trial publicity is serious business and illustrates a continued problem the press has in dealing with special groups who wish to short circuit regular channels of problem solving and go directly to the public with their story. (something Russell Means, the American Indian Movement, and countless other groups and activist individuals demonstrated successfully)

2 - Minneapolis

(2)



5010-108-02

SEARCHED [REDACTED] INDEXED [REDACTED]
SERIALIZED [REDACTED] FILED [REDACTED]
AUG 13 1975

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

89-231-59

"Means is an indigent political figurehead of national not-arity and fame. He is at a level where press coverage is appropriate when he is hospitalized...it is ligitimate news particularly when it is caused by a shooting.

"That Means was shot, hospitalized, charged, arrested, and bonded were all reported without damaging a fair trial. If anything was reported that would inhibit a prospective juror from rendering fair judgement about the case based on the courtroom presentations it would be the statements made by Means himself...his version, of the events that lead up to the shooting.

"The official report of the Bureau of Indian Affairs Police, which anchors the Federal case, has not been and will not be released until it becomes evidence in court.

"So, what we have now is the possible request by the defendant's attorney for a change of venue because of things said by the defendant himself, and reported on by the local press.

"The whole episode illustrates that for the press, there is often little that can be done to avoid being used by people who know how to stage and manipulate events to their advantage."

(Mount Clipping in Space Below)

Page 8—Tuesday, August 19, 1975—The BISMARCK TRIBUNE

Russell Means Trial Scheduled

SIoux FALLS, S.D. (AP) — American Indian Movement (AIM) leader Russell Means will go on trial in Sioux Falls Aug. 25 on charges stemming from a 1974 disturbance at the Minnehaha County Courthouse in Sioux Falls.

Means, one of the leaders of the 1973 armed occupation of the Pine Ridge Reservation village of Wounded Knee, is charged with rioting to obstruct justice and injury to a public building in connection with the April 30, 1974, melee between AIM sympathizers and members of the South Dakota Tactical Team.

The 40-year-old Means entered innocent pleas to both charges Dec. 20.

Similar charges against five other persons, including AIM National Field Director Vernon Bellecourt, were dismissed May 5 by Circuit Judge Richard Braithwaite, who will hear Means' case.

Charges against Bellecourt, Lois Tiger, Bobby Jo Tiger and John Concannon, all of Sioux Falls, and Al Cooper, New Mexico, were dismissed following five weeks of jury

selection. All were charged with injuring a public building and Mrs. Tiger faced an additional charge of soliciting a riot.

In his dismissal ruling, Braithwaite wrote, "An impartial trial cannot be obtained in this county at this time."

Means was arrested in connection with the courthouse disturbance on May 14, 1974, as he and fellow AIM leader Dennis Banks were about to return to St. Paul, Minn., from Joe Foss Field in Sioux Falls.

He was the ninth person arrested in connection with the incident, which resulted in extensive damage to the courthouse building, most of it in the form of broken door and window glass.

Means' court-appointed attorney, Sidney Strange, Sioux Falls, filed a motion Monday calling for dismissal of the injury to a public building charge on constitutional grounds.

"The maximum penalty prescribed in law is disproportionate, retributive, needlessly severe, infrequently imposed, disregarding of mitigating circumstances and arbitrarily imposed (on AIM members and supporters)," Strange charged in his motion.

Strange said the charge violates the 5th and 14th Amendments to the U.S. Constitution and the state Constitution because "it is vague and indefinite."

Braithwaite has denied a previous motion asking that the riot charges be dismissed.

(Indicate page, name of newspaper, city and state.)

Page 8

THE BISMARCK TRIBUNE

Bismarck, ND

Date: 8/19/75
Edition: Final
Author: AP, Sioux Falls, SD
Editor: JOHN O. HJELLE
Title: RUSSELL CHARLES MEANS:

b6
b7c

LT.
XXXXXX -BIA -

or
Classification: MP 89-231-60
Submitting Office: MP

☒ Being Investigated

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SERIALIZED	FILED
AUG 20 1975	
FBI-MINNEAPOLIS	

(Mount Clipping in Space Below)

Jury Selection In Means Trial Gets Under Way

SIOUX FALLS, S.D. (AP) — After granting a defense motion to close the jury selection process to the public, questioning of prospective jurors began Monday in Sioux Falls for the trial of American Indian Movement (AIM) leader Russell Means.

Means, 40, of Porcupine, S.D., has pleaded innocent to charges of rioting and injury to a public building. The charges stem from an April 1974 melee at the Minnehaha County Courthouse in Sioux Falls.

Presiding Circuit Court Judge Richard Braithwaite said he also is studying a defense motion to dismiss charges against Means due to inability to seat an impartial jury.

Charges against five persons in the same incident were dismissed at an earlier trial this summer when Braithwaite said an impartial jury could not be seated.

(Indicate page, name of newspaper, city and state.)

Page 11

THE FORUM

Fargo, No. Dakota

Date: 8/26/75
Edition: Morning
Author: AP, Sioux Falls, SD
Editor:
Title: RUSSELL CHARLES
MEANS, ET AL

Character: AFO
or
Classification: MP 89-231-61
Submitting Office: MP/Bismarck

☐ Being Investigated

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SERIALIZED	FILED
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FBI-MINNEAPOLIS	

FEDERAL BUREAU OF INVESTIGATION
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Page 112 ~ Duplicate;
Page 113 ~ Duplicate;
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(Mount Clipping in Space Below)

Selection of Jury Starts for Means

SIOUX FALLS, S.D. (AP) — Attorneys have begun individually examining 24 potential jurors in Sioux Falls for the trial of American Indian Movement (AIM) leader Russell Means.

Circuit Court Judge Richard Braithwaite Tuesday denied a motion to dismiss charges of rioting and injury to a public building against Means, 40, of Porcupine, S.D.

Counsel for Means filed the motion, contending a fair and impartial trial could not be held. A motion is still pending to allow Means to appear as co-counsel.

The public and news media have been excluded from the jury selection process on a motion requested by Means and granted by Braithwaite.

(Indicate page, name of newspaper, city and state.)

Page 10

THE BISMARCK TRIBUNE

Bismarck, No. Dakota

Date: 8/27/75

Edition: Final

Author: AP/Sioux Falls, SD

Editor: JOHN O. HJELLE

Title:

RUSSELL CHARLES MEANS,
ET AL

Character: AFO

or

Classification: MP 89-231-62

Submitting Office: MP

☒ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 30 1975	
FBI-MINNEAPOLIS	

(Mount Clipping in Space Below)

Four Jurors Get Tentatively Seated For Means Trial

SIoux FALLS, S.D. (AP) — Four jurors have tentatively been seated for the trial of American Indian Movement leader Russell Means in Sioux Falls.

Two more jurors were chosen Wednesday. Thirteen of the 35 prospective jurors originally examined by Circuit Judge Richard Braithwaite have now been excused.

Means has pleaded innocent to charges of rioting and injury to a public building in connection with an April 30, 1974, disturbance, in which AIM members clashed with riot-equipped police in a courtroom at the Minnehaha County Courthouse.

The building suffered extensive damage during the brawl.

Jury selection, which is closed to the news media and public, continued Thursday.

(Indicate page, name of newspaper, city and state.)

Page 7

THE B ISMARCK TRIBUNE

Bismarck, ND

Date: 8/28/75

Edition: Final

Author: AP, Sioux Falls, SD

Editor: JOHN O. HJELLE

Title:

RUSSELL CHARLES MEANS,
ET AL

Character: AFO

or

Classification: MP 89-231-63

Submitting Office: MP

☒ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 20 1975	
FBI-MINNEAPOLIS	

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, MINNEAPOLIS (89-231) (P)

DATE: 9/2/75

FROM : SA [REDACTED]

b6
b7C

SUBJECT: RUSSELL CHARLES MEANS;
THOMAS RICHARD POOR BEAR;
LIEUTENANT [REDACTED], BIA - [REDACTED]
AFO

OO: MP

At Bismarck, ND

On 7/25/75, a document was filed in USDC, Bismarck, ND, signed by RUSSELL CHARLES MEANS, in the case entitled "USA versus RUSSELL CHARLES MEANS; THOMAS RICHARD POOR BEAR, U. S. Magistrate Docket Number 2-75-21M," relating to the ability of MEANS to pay for council.

The following statements were made by MEANS on that document:

Assets

Name and address of employer: AIM Leaders
(No compensation)

Salary received from last employment and date: \$1,500 per month, in 5/72.

Other income: None

Cash on Hand or in Savings or Checking Account: \$200.

Property: None

Obligations and Debts

Dependents: Five (Block checked for "separated or divorced).

Debts and Monthly Billings: [REDACTED]

4-Minneapolis

dea

(4)



5010-110

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

89-231-64

SEARCHED	INDEXED
SERIALIZED	FILED
SEP 2 1975	
FBI-MINNEAPOLIS	

MP 89-231

[redacted] United Tribes Employment Training Center, Bismarck, ND, was appointed as [redacted] for MEANS by U.S. Magistrate HARRY J. PEARCE.

b6
b7C

[redacted] AUSA, Bismarck, ND, stated on 8/11/75, that he spoke to a part-time park ranger while at Minot, ND, during the prior week, and the declared indigency of RUSSELL MEANS was mentioned by the ranger, [redacted] who teaches at Columbus, ND, or Killdeer, ND, during the academic year. The next-door neighbor of [redacted] a traveling salesman, told [redacted] he overheard MEANS trying to cash a check at Mobridge, SD. [redacted] asked [redacted] to get the specific details from his neighbor and advise [redacted]

On 8/11/75, [redacted] received a letter from [redacted] advising as follows:

"I talked to my next-door neighbor about what bank RUSSELL MEANS was trying to cash a check in. He couldn't remember what the salesman told him but he knew it was a bank in Mobridge, South Dakota. This was just before he was shot in North Dakota. The salesman had said MEANS was trying to cash a check on a California bank. The bank supposedly called the bank in California and they said he could write a check for \$50,000 if he wanted to." The letter was signed [redacted] Watford City, ND 58854.

On 8/20/75, at 2:10 PM, [redacted] received a telephone call from FRANK WENZEL, Chief of Detectives, PD, Bismarck, ND, and WENZEL advised he had received an anonymous telephone call from a man who stated the USA was questioning the claim of indigency by RUSSELL MEANS in that the USA might be interested in what RUSSELL MEANS had received at the Western Union Office, Bismarck, ND. The caller did not further identify himself and provided no further information.

MP 89-231

AUSA [] provided the above information questioning whether MEANS may have perjured himself in declaring himself to be indigent.

b6
b7c

ARMED AND DANGEROUS.

LEADS

MINNEAPOLIS

AT MINNEAPOLIS, MN

Contact Western Union Officials at Minneapolis to determine if communications, including money orders, were received by RUSSELL MEANS through Western Union, Bismarck, ND, subsequent to captioned offense, which occurred on 6/7/75.

AT MOBRIDGE, SD

Contact all banks at Mobridge in an attempt to identify the banker who allegedly had a conversation with RUSSELL MEANS and a California banker as described above.

SAC, MINNEAPOLIS (89-231) (P)

9/2/75

SA [REDACTED]

b6
b7c

RUSSELL CHARLES MEANS;
THOMAS RICHARD POOR BEAR;
LIEUTENANT [REDACTED] BIA - [REDACTED]
AFO

OO: MP

At Bismarck, ND

On 7/25/75, a document was filed in USDC, Bismarck, ND, signed by RUSSELL CHARLES MEANS, in the case entitled "USA versus RUSSELL CHARLES MEANS; THOMAS RICHARD POOR BEAR, U. S. Magistrate Docket Number 2-75-21M," relating to the ability of MEANS to pay for council.

The following statements were made by MEANS on that document:

Assets

Name and address of employer: AIM Leaders
(No compensation)

Salary received from last employment and date: \$1,500 per month, in 5/72.

Other income: None

Cash on Hand or in Savings or Checking Account: \$200.

Property: None

Obligations and Debts

Dependents: Five (Block checked for "separated or divorced").

Debts and Monthly Bills: None

4-Minneapolis

[REDACTED]lea

89-231-64

SEARCHED	INDEXED
SERIALIZED	FILED
SEP 2 1975	
FBI - MINNEAPOLIS	

[REDACTED]

File—Serial Charge Out

☆ U.S. GPO: 1974-560-582

FD-5 (Rev. 6-17-70)

File _____ Class. _____ Case No. _____ Last Serial _____ Date _____

☐ Pending☐ Closed

Serial No. _____ Description of Serial _____ Date Charged _____

*Serials**65-69**Skipped*_____
Employee**RECHARGE**

Date _____

To _____ From _____

Initials of
Clerk {_____

Date {

Date Charged_____
Employee_____
Location

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, MINNEAPOLIS (89-231) (P)
ATTN: SA [REDACTED]

DATE: 9/9/75

FROM : SA [REDACTED]

SUBJECT: RUSSELL CHARLES MEANS

[REDACTED] BIA -

AFO

OO: MP

b6
b7C

Re Minneapolis letter 9/2/75.

On 9/9/75, [REDACTED] Western Union Telegraph Office, 317 Second Avenue South, Minneapolis, Minnesota, telephone 332-4242, advised that the records being sought concerning RUSSELL CHARLES MEANS would be available in the Fargo, North Dakota, branch office, which would have business transaction records concerning Bismarck, North Dakota.

[REDACTED] further advised that [REDACTED] Western Union Telegraph Office, 311 North 5th Street, Fargo, North Dakota, would be the appropriate individual to contact.

[REDACTED] stated that it is the company's policy that a subpoena must be obtained in order to divulge information of this nature.

LEADS:

MINNEAPOLIS DIVISION

AT BISMARCK, NORTH DAKOTA

1. Leads should be left to the discretion of Case Agent concerning obtaining subpoena duces tecum concerning Western Union records.

2. Set forth appropriate leads for Fargo.

2 - Minneapolis
[REDACTED] rjt
(2)



5010-108-02

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

89-231-70

SEARCHED	INDEXED
SERIALIZED	FILED
SEP 11 1975	
FBI - MINNEAPOLIS	

(Mount Clipping in Space Below)

Judge Approves Means' Request To Help Defense

SIOUX FALLS, S.D. (AP) — Judge Richard Braithwaite has granted a defense motion allowing American Indian Movement (AIM) leader Russell Means to act as co-counsel for his upcoming trial in Sioux Falls.

New York attorney William Kunstler may also come to Sioux Falls to assist in Means' defense, sources close to the trial said.

Kunstler defended Means and fellow AIM leader Dennis Banks in their Wounded Knee trials in St. Paul, Minnesota, in 1974. Charges against Means and Banks arising from the 71-day occupation of Wounded Knee in 1973 were dismissed following the eight-month trial.

Banks was recently convicted of assault and riot charges in connection with a 1973 incident in Custer, but failed to appear for sentencing and is being sought on a federal fugitive warrant.

Means has pleaded innocent to charges of rioting and injury to a public building in connection with an April 30th, 1974, disturbance, at which AIM members clashed with riot equipped police.

(Indicate page, name of newspaper, city and state.)

Page 7

THE BISMARCK TRIBUNE

Bismarck, ND

Date: 8/29/75
Edition: Final
Author: AP/Sioux Falls, SD
Editor: JOHN O. HJELLE

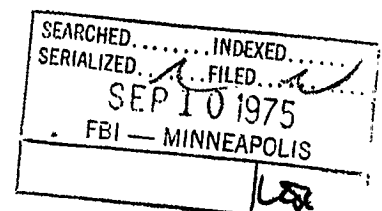
Title:
RUSSELL CHARLES MEANS;
ET AL

Character: AFO

or

Classification: MP 89-231-71
Submitting Office: MP

☐ Being Investigated



(Mount Clipping in Space Below)

Means' Attorneys Seek Jurisdiction By Federal Court

SIOUX FALLS, S.D. (AP) — Attorneys for Russell Means are asking that the American Indian Movement (AIM) leader be placed under jurisdiction of the federal court system and that his trial in connection with a 1974 county courthouse disturbance be transferred out of South Dakota.

In a motion filed Friday, Means contended that a fair and impartial jury could not be seated in Minnehaha County Circuit Court because of continuing publicity surrounding the 1973 Wounded Knee occupation and later AIM trials. A member of the defense team said the ultimate aim of the motion is to move the Means' trial out of South Dakota.

Means, of Porcupine, S.D., has pleaded innocent to charges of riot and injury to a public building in connection with a clash between courtroom spectators and riot-equipped police at the Minnehaha County Courthouse in April, 1974.

(Indicate page, name of newspaper, city and state.)

Page 2.

THE B ISMARCK TRIBUNE

Bismarck, ND

Date: 9/5/75
Edition: Final
Author: AP/Sioux Falls, SD
Editor: JOHN O. HJELLE
Title:
RUSSELL CHARLES MEANS
ET AL

Character: AFO

or

Classification: MP 89-231-72
Submitting Office: MP

☐ Being Investigated

SEARCHED.....	INDEXED.....
SERIALIZED.....	FILED.....
SEP 10 1975	
EAPOLIS	

b6
b7c

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, MINNEAPOLIS (89-231) (P)

DATE: 9/15/75

FROM : SA [REDACTED]

SUBJECT: RUSSELL CHARLES MEANS:

LT. [REDACTED] - BIA - [REDACTED]

AFO

OO: MP

b6
b7C

AT BISMARCK, NORTH DAKOTA

The 9/15/75 issue of the "Public Record Bulletin", published by the Credit Bureau of Bismarck, 227 West Broadway, Bismarck, North Dakota, contained the following listing; under "Changes of Address:"

Name: RUSSELL MEANS
From: 724 South 11th Street, Bismarck, ND
To: "??"

[REDACTED] Assistant U. S. Attorney, Bismarck, North Dakota, was advised of the above on 9/15/75.

LEADS

MINNEAPOLIS

AT BISMARCK, NORTH DAKOTA

Contact GARRIE KESSLER, President and Manager, Credit Bureau of Bismarck, and determine source of information concerning change of address for RUSSELL MEANS.

2 - Minneapolis

[REDACTED]
(2)

89-231-73
SEARCHED.....INDEXED.....
SERIALIZED.....FILED.....



UNITED STATES GOVERNMENT

Memorandum

TO : SAC, MINNEAPOLIS (89-231) (P)

DATE: 9/15/75

FROM : SA [REDACTED]

SUBJECT: RUSSELL CHARLES MEANS.

LT. [REDACTED]
AFO

BIA - [REDACTED]

b6
b7c

OO: MP

Re Minneapolis Memorandum of SA [REDACTED] dated 9/2/75; and Minneapolis Memorandum of SA [REDACTED] dated 9/9/75.

Referenced Memorandum dated 9/9/75 indicates Western Union records of interest in this case are in custody of [REDACTED] Western Union Telegraph Office, 311 North 5th Street, Fargo, North Dakota, if any correspondence was actually received at Bismarck, North Dakota, by RUSSELL CHARLES MEANS.

LEADS

ARMED & DANGEROUS

MINNEAPOLIS

AT FARGO, NORTH DAKOTA (CCO: Send copies serials 64 & 70.)

Contact [REDACTED] Western Union, 311 North 5th St., Fargo, to determine if any record exists concerning correspondence of interest as described in referenced Memo 9/2/75; and if so, to whom subpoena duces tecum should be issued if required.

3 - Minneapolis

(3)

4/c - [REDACTED]
89-231-74
SEARCHED.....INDEXED.....
SERIALIZED.....FILED.....
SEP 17 1975



UNITED STATES GOVERNMENT

Memorandum

TO : SAC, MP(89-231)(P)

DATE: 9/23/75

FROM : SA [REDACTED]

SUBJECT: RUSSELL CHARLES MEANS.

LT [REDACTED]
AFG [REDACTED]

BIA [REDACTED]

Attn: SA [REDACTED]

OO:MP

Re Memo SA [REDACTED] dated 9/15/75.

b6
b7C
b7D

On 9/22/75, [REDACTED] Fargo Branch, Western Union Telegraph Co., 311 North Fifth St., Fargo, ND was contacted. He advised that he had received a teletype from the District Office, Minneapolis that he might be contacted by the FBI relative to a Russell Means. He was informed that the contact would be relative to possible use of Western Union facilities for transmission of funds. He was informed to provide no information without a subpoena and the District office was to be immediately advised of FBI inquiry.

[REDACTED] advised that he must comply with company instructions in this matter. He did however advise confidentially [REDACTED]

MEANS [REDACTED]

According to [REDACTED], any subpoena in this matter should be issued in his name and addresses as follows:

[REDACTED]
Fargo Office, Western Union Telegraph Co.,
311 N. Fifth St., Fargo, ND 58102.
He indicated that with the appropriate subpoena he would be most happy to cooperate with the FBI.

2-MP
[REDACTED]

89-231-75
[REDACTED] [REDACTED]
SEP 23 1975



(Mount Clipping in Space Below)

Juror Selection Resumes in S.D.

SIoux FALLS, S.D. (AP)— Jury selection for the trial of American Indian Movement (AIM) leader Russell Means resumed Monday after a one day suspension because of illness.

Proceedings were interrupted Friday after Means was placed under a doctor's care for an ulcer attack.

Nineteen jurors have been tentatively selected in five weeks. Means has pleaded innocent to charges of riot and injury to a public building in a 1974 clash at the Minnehaha County Courthouse in Sioux Falls.

(Indicate page, name of newspaper, city and state.)

Page 24

THE BISMARCK TRIBUNE

Bismarck, ND

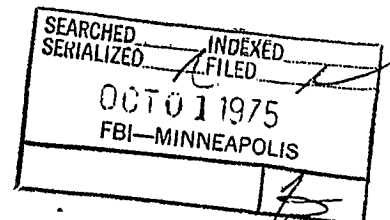
Date: 9/29/75
Edition: Final
Author: AP/Sioux Falls
Editor: JOHN O. HJELLE
Title: RUSSELL CHARLES MEANS; ET AL

Character: AFO

or

Classification: MP 89-231 -76
Submitting Office: MP/Bismarck

☐ Being Investigated



(Mount Clipping in Space Below)

Plant Takeover Convictions Are Protested at AIM Rally

LAKE ANDES, S.D. (AP) — Leaders of the American Indian Movement (AIM) held a rally of 100-150 persons Saturday to protest the convictions in the Wagner pork plant takeover and to pitch for a local AIM chapter.

Russell Means of the AIM, himself on trial in Sioux Falls and facing several other trials, criticized court-appointed defense lawyers in Indian cases. He said lawyers for seven men convicted in the pork plant case presented virtually no defense.

"We can't find court-appointed lawyers who believe in freedom, justice and liberty," Means said.

"I cannot believe it is possible in any county in South Dakota to find 12

impartial jurors who are not Indian."

He said 160 Indians currently face penitentiary terms in South Dakota.

Another speaker, attorney Bruce Ellison of the Wounded Knee Defense Committee in Rapid City, S.D., said the FBI has harassed Indians in searching for fugitive AIM leader Dennis Banks.

Banks has been sought after he failed to appear for sentencing in Custer, S.D., this summer on charges in a 1973 Custer disturbance.

Ellison also said the Secret Service knows that people in a car which exploded on the Kansas Turnpike were not headed to Oklahoma to disrupt a presidential gathering.

The Oklahoma City Times quoted a Secret Service agent as saying federal agents had been warned that President Ford's visit to Oklahoma may have been the target of a disruption attempt. The Secret Service agent denied that report to The Associated Press.

However, Ellison said three bullets had been fired into the car, one near the gas tank, possibly causing the fire which prompted the explosion. Five persons have been indicted on charges of possession and transportation of illegal firearms following that incident.

Ted Means, another AIM leader, urged people in the group, mostly Indians, to establish a local AIM chapter.

"We can no longer fight each other, there is a bigger enemy—the state of South Dakota and the federal government," he said. "It is time the state of South Dakota realizes that we are saying 'no more.' We refuse to submit to this racism."

(Indicate page, name of newspaper, city and state.)

Page A-8

THE SUNDAY FORUM

Fargo, ND

Date: 10/5/75
Edition: Morning
Author: AP/Lake Andes, SD
Editor:
Title: RUSSELL CHARLES MEANS
Character: LT. AFO
or
Classification: MP 89-231-77
Submitting Office: MP/Bismarck
☒ Being Investigated

b6
b7c

SEARCHED	INDEXED
SERIALIZED	FILED
OCT 6 1975	
FBI-MINNEAPOLIS	

(Mount Clipping in Space Below)

Jurors Sought**SIOUX FALLS, S.D. (AP)**

— Attorneys will resume questioning of prospective jurors Monday for the trial of American Indian Movement leader Russell Means.

Twenty-five jurors have been tentatively chosen. A panel of 36 will be selected before attorneys exercise their peremptory challenges.

(Indicate page, name of newspaper, city and state.)

Page 6

THE SUNDAY FORUM

Fargo, ND

b6
b7C

Date: 10/5/75
Edition: Morning
Author: AP/Sioux Falls, SD
Editor:
Title: RUSSELL CHARLES
MEANS: [REDACTED]

[REDACTED] LT [REDACTED]
Character: [REDACTED], BIA- [REDACTED]
or AFO
Classification: MP 89-231 -78
Submitting Office: MP/Bismarck
☒ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED
OCT 7 1975	
FBI-MINNEAPOLIS	

(Mount Clipping in Space Below)

Means Arraignment Delayed On Morton Assault Charge

Arraignment on an assault charge against American Indian Movement (AIM) leader Russell Means has been postponed in Morton County District Court at Mandan. Means is on trial on another charge in South Dakota, and was unable to appear Friday, officials said.

In another development, District Judge William F. Hodny denied a request by Means' attorney, Ralph LaPera, who is a legal counsel for United Tribes, to withdraw from the assault case.

Hodny heard the motion from LaPera Thursday to withdraw as the attorney of record for Means. LaPera requested a Bismarck attorney to be appointed in place of him.

Means, who is on trial in Sioux Falls, S.D., on charges of riot and injury to public property, was unable to appear and asked the court in the form of a letter to allow Richard

Baer, Bismarck attorney, to be appointed to the case.

Judge Hodny questioned LaPera on his reason for requesting to withdraw from the case.

LaPera told the court it was because of Means' political role with the AIM group. He said AIM has developed a group of supporters and there is a group of non-supporters among the Indian Tribes.

LaPera said, "Means has taken the stand of reorganization of tribal governments and wants to go back to the old chief system."

He said he would not relate to the court the exact instances involved.

Judge Hodny ruled it would be up to the court to appoint an attorney. Hodny then told LaPera that he would appoint the Public Defender's Office to handle the case if LaPera should be allowed to withdraw. He gave LaPera five days to

contact Means, because of his being absent from the proceedings Thursday, on the pending court action.

Morton County States Atty. Richard Schnell and his assistant Tom Tuntland resisted the motion from LaPera to withdraw from the case. They said it would cause unnecessary delay of trial and added expense to the county and state in allowing a new attorney to take over.

Means was to have appeared in the Mandan court Friday. But a letter from the Sioux Falls prosecutor indicated he was appearing in court there and authorized the postponement of the court action, here, Schnell said.

Schnell said the trial in Mandan may be delayed for some time because, in addition to the assault charge in Morton County Means faces a charge of murder in Rapid City, S.D.; assault charges in Scottsbluff, Neb.; grand jury indictment on eight charges in Custer, S.D.; seven charges on a federal indictment at Mission, S.D.; federal indictment for allegedly assaulting an officer on the Standing Rock Reservation near Fort Yates; alleged assault in Aberdeen, S.D.; a traffic violation charge in Minneapolis, Minn., and an assault charge at Bismarck.

(Indicate page, name of newspaper, city and state.)

Page 2

THE BISMARCK TRIBUNE

Bismarck, ND

Date: 10/4/75 b6
Edition: Final b7C
Author: Staff
Editor: JOHN O. HJELIE
Title: RUSSELL CHARLES
MEANS: [REDACTED]

Character: BIA; AFO

or

Classification: MP 89-231 79
Submitting Office: MP/Bismarck

☒ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED
OCT 7 1975	
FBI-MINNEAPOLIS	

(Mount Clipping in Space Below)

Area Said Prejudiced To Indians

By The Associated Press

Affidavits have been filed in U.S. District Court in Bismarck alleging the Bismarck-Mandan community is strongly prejudiced against the American Indian.

The papers were submitted in connection with a petition to move to another state the trial of Russell Means and Thomas Richard Poor Bear, charged with interfering with a federal officer in the performance of his duties.

"The dominant attitude of the Bismarck-Mandan community towards Indians is one of extreme prejudice," said Jeffrey Hansen of the Charles Hall Youth Service in Bismarck.

However, Bismarck Mayor Robert Heskin said in a telephone interview that he disagreed with the statement that there was prejudice against Indians in the community.

"No, I would certainly not say that," he said, adding he knew of no complaints filed against city government on the issue.

Dorothy Rolfstad, a court reporter, said in her work in the judicial system she had seen that Bismarck-Mandan "is a very racist community."

Several of the affidavits maintained there was prejudice against Indians in the school systems, cafes, bars, and housing.

E.N. Sandvick of the Burleigh County Housing Authority said he had observed the discrimination in housing first-hand, and added he had seen Indians being asked to leave an eating and drinking place.

Eric Gajeski, a consulting firm executive and former teacher, said he believed there has been and continues to be a latent as well as expressed prejudice against the American Indian in Bismarck.

The images most whites hold of Indians are stereotypes, such as "drunken wino, freeloader, or welfare bum," said Edgar Brinckerhoff of the Charles Hall Youth Services and Clarence Bina, a dental clinic director and former teacher.

Harold Rambo, a minister and part-time teacher, said the dominant attitude was opposition to Means and Poor Bear and the American Indian Movement (AIM).

There is little or no sympathy for AIM because people see the organization as too radical, said Juanita Hephrey, an Indian who is executive director of the State Indian Affairs Commission.

Several of the affidavits said the attitude of prejudice resulted from fear and misunderstanding of the Indian people.

(Indicate page, name of newspaper, city and state.)

Page 1

THE BISMARCK TRIBUNE

Bismarck, ND

Date: 10/4/75 b6
Edition: Final b7C
Author: AP
Editor: JOHN O. HJELLE
Title: RUSSELL CHARLES MEANS: [REDACTED]
Character: BIA; Aro
or
Classification: MP 89-231 80
Submitting Office: MP/Bismarck
☒ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED
OCT 7 1975	
FBI-MINNEAPOLIS	

(Mount Clipping in Space Below)

Means pleads innocent in North Dakota

BISMARCK, N.D. (AP) — American Indian Movement Leader Russell Means and Thomas Richard Poor Bear have pleaded innocent to charges of "resisting, imposing, impeding and interfering with a federal officer" in the performance of his duties.

The charges stem from an incident on the Standing Rock Indian Reservation June 7 during which Means was shot and later hospitalized.

In an arraignment before U.S. District Judge Bruce M. Van Sickle Thursday, attorneys for the two defendants introduced motions challenging the composition of the grand jury which handed down the indictment July 15. The attorneys also asked for a change of venue and for a bill of particulars.

Means' acting attorney, Kenneth Tilsen, St. Paul, Minn., said after the arraignment that the venue change was being requested because of assassination dangers to Means and because of pre-trial publicity.

The AIM leader's attorney, Ralph LePera, could not make it to the arraignment and the court allowed Means to be represented by Tilsen at the last minute.

No trial date was set pending a decision on the motions, but Judge Van Sickle said he wanted to proceed with the trial in September unless it became impossible to arrange it with Means' nine other pending trials.

The judge also said he would continue the current level of bonding at a \$5,000 personal recognizance bond for each defendant.

(Indicate page, name of newspaper, city and state.)

Rapid City Journal
Rapid City, S.D.
Friday, August 1, 1975
Page 14

Date:

Edition:

Author:

Editor:

Title:

Character:

or

Classification:

Submitting Office:

☐ Being Investigated

89-231-81

SEARCHED	INDEXED
SERIALIZED	FILED
OCT 6 1975	
FBI — MINNEAPOLIS	

IN

(Mount Clipping in Space Below)

Means indicted, to be arraigned

BISMARCK, N.D. (AP) — American Indian Movement leader Russell Means will be arraigned in U.S. District Court after being indicted by a federal grand jury on a charge of interfering with a federal officer in the performance of his duties, the U.S. Attorney's office in Bismarck said.

The AIM member had been scheduled for a preliminary hearing on the charge Friday.

However, a spokesman for the U.S. Attorney's Office in Bismarck said the grand jury indictment "renders moot any need for a preliminary hearing."

He said a date for the arraignment in U.S. District Court at Bismarck had not been set.

The preliminary hearing would have been a continuation of a hearing last week on the charge.

Ralph LaPera, Bismarck, Means attorney, had told U.S. Magistrate Harry Pearce then that his client had been delayed by airline problems in returning to Bismarck from New York City.

U.S. Atty. Harold Bullis, Fargo, said Thursday the indictment against Means and Thomas Poor Bear stemmed from an incident June 7 near Cannon Ball, N.D., on the Standing Rock Indian Reservation. Means had allegedly interfered with a Bureau of Indian Affairs officer, according to earlier charges.

Means was wounded in the incident and spent a week recuperating in a Bismarck hospital.

Bullis said Means had not been arrested following the grand jury's issuance of the indictment late Wednesday. He added the \$5,000 personal recognizance bond set by Pearce would hold until the U.S. District Court in Bismarck arraigned Means on the charge.

No date has been set for the court appearance, Bullis said, but he estimated the trial would probably be held in September.

Bullis said the indictments for Means and Poor Bear were two of 19 handed down as a result of the grand jury's regularly scheduled session.

Earlier, Means had his \$25,000 personal recognizance bond continued by Morton County Court of Increased Jurisdiction. Mandan, N.D., on an assault charge related to the June 7 affair.

(Indicate page, name of newspaper, city and state.)

*Rapid City Journal
Rapid City, S.D.
Friday, July 18, 1975
page 2*

Date:

Edition:

Author:

Editor:

Title:

Character:

or

Classification:

Submitting Office:

☐ Being Investigated

89-231-82

SEARCHED	INDEXED
SERIALIZED	FILED
OCT 6 1975	
FBI — MINNEAPOLIS	

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(Mount Clipping in Space Below)

AIM Leader Waives Right To Jury Trial

SIOUX FALLS, S.D. (AP) — American Indian Movement (AIM) leader Russell Means waived his right to a jury trial in Circuit Court Thursday on the grounds that choosing an impartial jury in Sioux Falls is impossible.

After eight weeks of jury selection for Means' trial on charges of rioting and damaging a public building, only 29 of a necessary 36 tentative jurors had been seated. Sixty-nine of a total of 176 potential jurors examined had been dismissed for actual bias, said the AIM leader's defense attorneys.

The 40-year-old Oglala Sioux's request for waiver came after Circuit Court Judge Richard Braithwaite's denial of three defense motions for dismissal or continuance of the trial.

Braithwaite had taken under advisement Wednesday a defense motion to dismiss the charges. After Thursday's announcement of denial of that motion, the defense moved for a stay of proceedings until the Supreme Court could rule on a petition for immediate appeal.

The third motion was for continuance of the trial until Oct. 14 for time to prepare a petition to the Supreme Court requesting permission to appeal.

Braithwaite granted Means' request for a trial before the court after stating the court's position that the defendant could get a fair trial either with or without a jury.

During a news conference Sept. 25, Means said he did not expect his trial to be dismissed, despite the delay in seating the panel. "I do not expect it to be thrown out because I am Russell Means and the citizens and the powers to be in South Dakota want me in prison or dead," he said.

(Indicate page, name of newspaper, city and state.)

Page 10

THE FORUM

Fargo, ND

b6
b7C

Date: 10/10/75
Edition: Morning
Author: AP/Sioux Falls, SD
Editor: JOHN D. PAULSON
Title: RUSSELL CHARLES
MEANS

Character: [] I.T. []
[] AFO

or
Classification: MP 89-231 - 83
Submitting Office: MP/Bismarck
☒ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED
OCT 14 1975	
FBI-MINNEAPOLIS	

(Mount Clipping in Space Below)

Court Names New Judge for Means' Trial

By The Associated Press

District Judge Eugene Burdick of Williston has been assigned by the state Supreme Court to handle a Morton County case involving American Indian Movement leader Russell Means.

Means is charged with assault.

Clerk of Morton County Court said Means' attorney had asked for the change in judges.

District Judge William F. Hodny had been handling the case.

Morton County State's Atty. Richard Schnell has said the Morton County trial may be delayed for some time because of charges against Means in other courts.

(Indicate page, name of newspaper, city and state.)

Page 2

THE BISMARCK TRIBUNE

Bismarck, No. Dakota

Date: 10/17/75 b6
Edition: Final b7C
Author: AP
Editor: JOHN O. HJELLE
Title: RUSSELL CHARLES
MEANS; [REDACTED]
[REDACTED] LT. [REDACTED]
Character: [REDACTED] BIA- [REDACTED]
or AFO
Classification: MP 89-231-84
Submitting Office: MP/Bismarck
☒ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED
OCT - 1975	
FBI - BISMARCK	

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, MINNEAPOLIS (89-231) (P)

DATE: 10/23/75

FROM : SA [REDACTED]

SUBJECT: [REDACTED]

ET AL
AFO

OO: Minneapolis

b6
b7C
b3

On October 16, 1975 a subpoena was served on [REDACTED]
[REDACTED]
which subpoena directed [REDACTED] to appear at 10:00 a.m.,
October 29, 1975 [REDACTED]
[REDACTED]

89-231-85

SEARCHED.....	INDEXED.....
SERIALIZED.....	FILED.....
OCT 21 1975	
POLIS	
[REDACTED]	



(2) - Minneapolis
[REDACTED]:cac
(2) [REDACTED]

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

(Mount Clipping in Space Below)

Judge Says Means Can't Fire Attorney

SIOUX FALLS, S.D. (AP)— Circuit Court Judge Richard Braithwaite Friday denied a motion by American Indian Movement leader Russell Means to fire his attorney as his riot trial opened.

An appeal is expected to the Supreme Court, delaying the trial at least until next week.

Means moved to fire his lawyer, Sidney Strange, on Thursday and asked for a new defense attorney and time to acquaint him with the case.

Means is on trial for riot and damage to a public building in connection with a melee on April 30, 1974, at the Minnehaha County courthouse.

Judge Braithwaite earlier Thursday denied a motion by Strange to withdraw from the case because of a conflict of interest.

Means said the loss of Strange, his lawyer since his arrest, would be a blow to his defense effort. But he said Strange's conflict might require him to become a witness at the trial.

Braithwaite said he felt Strange could do a good job representing Means, and he warned the Indian leader that if the Supreme Court upheld the ruling, the trial would begin without further delay.

Strange's conflict arose earlier this week when the prosecution added the name of Kenneth Dahl to its witness list.

Dahl was in the courthouse when the fight between police and AIM sympathizers erupted.

Strange had represented Dahl after his conviction in a Custer courthouse fight and Dahl had told him certain things about the Minnehaha case.

Means told the court that if Strange were to continue on the case, the attorney could subject himself to possible disbarment or a malpractice suit.

The Means case was delayed by eight weeks of futile jury selection. He eventually waived his right to a jury trial, saying it would be impossible for him to get a fair jury trial in Sioux Falls.

(Indicate page, name of newspaper, city and state.)

Page 15

THE BISMARCK TRIBUNE

Bismarck, ND

b6
b7C

Date: 10/24/75
Edition: Final
Author: AB-Sioux Falls, SD
Editor: JOHN O. HJELLE
Title: RUSSELL CHARLES
MEANS

XXXXXX [] LT [] BIA []

or
Classification: AFO MP89-231
Submitting Office: MP/Bismarck

☐ Being Investigated 89-231-86

SEARCHED _____ INDEXED _____
SERIALIZED _____ FILED _____
OCT 31 1975
FBI — MINNEAPOLIS

11/17/75
R/S to []
Submission of recommendation
to Bureau re 10.
T.R.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/7/75

On October 28, 1975, [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] made the foregoing information available as a result of Grand Jury subpoenas which had been issued in the matter of United States versus RUSSELL CHARLES MEANS [REDACTED]. The subpoenas, two in number, had requested that [REDACTED]
[REDACTED] [REDACTED]

b3
b6
b7C

Attached hereto are the xerox copies of records produced under subpoena as made available by [REDACTED] on October 28, 1975.

Interviewed 10/28/75 at Fargo, North Dakota File # MP 89-231 - 87
by SA [REDACTED] / [REDACTED] wrk Date dictated 11/3/75

(Mount Clipping in Space Below)

Means Set to Appeal

SIoux FALLS, S.D. (AP) — After being convicted on a riot charge Monday, American Indian Movement leader Russell Means said he would appeal the verdict of Circuit Court Judge Richard Braithwaite.



Russell
Means

Means, who remains free on \$2,000 bond, said he would be around for his sentencing Dec. 31, but if he is sent to prison death is waiting for him.

Means called Braithwaite's pronouncement of conviction on the riot charge and acquittal for a related charge of injury to a public building during an April 30, 1974 Minnehaha County Courthouse brawl a "political decision."

Means faces a possible 2-10 year prison term.

Prosecutor Gary Pashby said he has "every intention of recommending time at the sentence hearing."

(Indicate page, name of newspaper, city and state.)

Page 24

THE BISMARCK TRIBUNE

Bismarck, No. Dakota

Date: 12/16/75
Edition: Final
Author: AP/Sioux Falls, SD
Editor: JOHN O. HJELLE
Title: RUSSELL CHARLES
MEANS; ET AL

Character: AFO

or

Classification: MP 89-231-88
Submitting Office: MP/Bismarck

☐ Being Investigated

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b7C

12/5

(Mount Clipping in Space Below)

Judge Finds Means Guilty

SIoux FALLS, S.D. (AP)—American Indian Movement leader Russell Means Monday was found guilty of riot in a 1974 courtroom fight between police and spectators.

"Every redneck in the state of South Dakota will have a merry Christmas now," said Means following the verdict by Circuit Court Judge Richard Braithwaite.

The judge, who tried the case without a jury, found Means innocent of injury to a public building.

Means predicted to newsman that he would be killed by a guard in prison after he remained free on \$2,000 bond for sentencing Dec. 31 at 9 a.m. He could face 2-10 years in prison.

Means said he wouldn't last four hours in prison, a claim dismissed as unfounded by the prosecution. Braithwaite refused a state motion to raise Means' bond to \$15,000.

The 36-year-old Oglala Sioux is considered one of the top decision makers of AIM, which gained national attention at the Wounded Knee siege in 1973.

He was one of 13 persons charged in the Minnehaha County courtroom battle on

April 30. Braithwaite earlier dismissed charges against five of the defendants after a futile



Russell
Means

attempt to find an unbiased jury in Sioux Falls. One of the remaining defendants is brother

Edward Means, 31, who said he felt the decision was a complete political verdict. In his defense, this is the first time the other persons that were in the courtroom that day. He said the verdict was a setback to AIM but that the movement will "never be dead" because of the leaders' children.

A cofounder of AIM, Dennis Banks, is a fugitive after being convicted in a fight with police outside the Custer County courthouse. The Custer cases were being heard in Sioux Falls when the spectators refused to stand for the judge.

Tactical squad police were called in and the fight erupted, windows were broken and a crowd outside threw rocks and debris at the courthouse windows.

In his closing argument, defense attorney Sidney Strange said the Sioux Falls tactical squad came to the courthouse spoiling for a fight.

Means could do nothing but defend himself, Strange said.

The squad was called to remove courtroom spectators who refused to rise for the entrance of Judge Joseph

Braithwaite. Means' attorney, Alex Reisman, said that among white people, Means is the most hated AIM member and they are "out to get him."

Reisman also attacked the testimony of two county commissioners who said they saw Means kick out a plate glass window. Their testimony was "shrouded with dishonesty and double-dealing," he said.

In his final statement, Prosecutor Gary Pashby said that spectators entered the courtroom "with the purpose of

(Indicate page, name of newspaper, city and state.)

PAGE 1

THE BISMARCK TRIBUNE

Bismarck, No. Dak.

Date: 12-15-75

Edition: Final

Author: Staff (AP/Sioux Falls, SD)

Editor: JOHN O. HJELLE

Title: RUSSELL CHARLES MEANS; ET AL

Character: AFO

or

Classification: MP 89-23-1-89

Submitting Office: MP/Bismarck

☒ Being Investigated

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DEC 22 1975

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causing a riot." He said there was no question that Means obstructed or aided and abetted obstruction of police officers on the day of the clash.

Pashby attacked the testimony of Lutheran clergymen, saying that because of their sympathy for Indian problems, "they were anticipating what they were going to be seeing. It's there, stuck in their minds."

The prosecutor appealed to Braithwaite to avoid finding Means guilty of one charge and

not the other.

"The state of South Dakota is not satisfied with half a loaf," Pashby said.

Means waived his right to a jury trial Oct. 9 because he said it was not possible to get an unbiased jury.

(Mount Clipping in Space Below)

Means juror survey indicates prejudice

BISMARCK, N.D. (AP) — A survey conducted among prospective jurors who might sit in the U.S. District Court trials of American Indian Movement leader Russell Means and Richard Poor Bear has concluded there is prejudice which would prevent a fair trial.

The survey, asked for in connection with a defense motion for a change of venue, was filed in U.S. District Court.

Means and Poor Bear are charged with resisting, imposing, impeding and interfering with a federal officer in an incident last June near Cannon Ball. Both are out on bond pending trial before Judge Bruce Van Sickle.

Sidney Harring, an attorney and sociologist from Buffalo, N.Y., conducted the survey at the request of Means' attorney. Harring does similar surveys in other parts of the country when a defendant seeks a change of venue.

Volunteer workers, under the direction of Harring and Bismarck attorney James Krogsrud, polled 335 persons on a series of questions designed to determine the level of prejudice in the area.

The survey, which Harring said was accurate to within 5 per cent, could allow him to "make general statements about the attitudes of the entire

population" by measuring racism, authoritarianism and pre trial bias.

My analysis of the survey data clearly indicates the defendants cannot receive a fair and impartial trial in the southwest division of North Dakota," Harring wrote. The level of prejudice in the district is such that a fair and impartial jury cannot be empaneled.

Harring continued: "Furthermore, this prejudice is so pervasive it cannot be cured by voir dire questioning jurors, the traditional remedy."

Harring's survey says:

- 68 per cent of those questioned felt Indians lack ambition.
- 47 per cent said Indians carry a chip on their shoulders.
- 58 per cent disagreed Indians were poor because they did not have the same opportunities as whites.
- 68 per cent said Indians should conform to the American way of life.

The survey also said 43.6 per cent of the respondents could not give Means a fair case and 41.5 per cent said Means must prove himself innocent.

The defense's survey also said 57.5 per cent of the respondents said radicals and militants should be sent to prison for the good of society.

(Indicate page, name of newspaper, city and state.)

PAGE 3

JOURNAL

RAAP CITY

SOUTH DAKOTA

Date: 12-20-75

Edition: FINAL

Author: AP

Editor:

Title: MEANS JUROR

SURVEY INDICATES PREJUDICE

Character:

b6

or

b7C

Classification:

Submitting Office:

☐ Being Investigated

12-20-75

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12-20-75

12-20-75

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Pre-Sentence Arguments Heard At Hearing in Means Riot Case

SIOUX FALLS, S.D.
(AP) — American Indian movement Leader Russell Means Wednesday was sentenced to four years in state prison on a charge of rioting.

SIOUX FALLS, S.D. (AP) — American Indian Movement Russell Means Wednesday asked that he be put on probation rather than jailed so that he could continue his Indian work and fight several other pending court battles. Circuit Court Judge Richard Braithwaite listened to pre-sentence arguments from

Means and attorneys and then retired to his chambers to decide the penalty for Means' riot conviction. Braithwaite earlier convicted Means of riot in the 1974 Minnehaha County Courthouse fight between Indians and police.

The state recommended a 3-8 year term in the state penitentiary. It said it did not

recommend the maximum of 10 years because it was Means' first felony conviction.

Sidney Strange, Mean's lawyer, asked the court to allow Means to go home on probation "with the trust that he will achieve great things for his people and society."

Means told the court he was still a candidate for president of the Oglala Sioux tribe, although he was omitted from the ballot of the Jan. 6 primary. "Tribal legal remedies are being taken," Means said.

Means spoke to the court for nearly an hour, saying that a history of arrests for intoxication stopped when he became involved with AIM.

He pleaded to be allowed to stay with his family of four children, a mother and wife.

In a statement issued Tuesday, Means said he would seek a restraining order Friday in federal court against the tribal presidential elections on the Pine Ridge Reservation.

Means, whose candidacy for the post has been denied by the tribal election board, said Tuesday "the Oglala people will not get a fair electoral process and a fair choice."

(Indicate page, name of newspaper, city and state.)

Page 2

THE BISMARCK TRIBUNE

Bismarck, No. Dakota

Date: 12/31/75
Edition: Final
Author: AP/Sioux Falls, SD
Editor: JOHN O. HJELLE
Title: RUSSELL CHARLES
MEANS

Character: [REDACTED] VICTIM

or
Classification: MP 89-231-91
Submitting Office: MP/Bismarck

☒ Being Investigated

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SERIALIZED FILED
JAN 6 1976

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(Mount Clipping in Space Below)

Means Bond Hearing Delayed

SIoux FALLS, S.D. (AP)—Impassable roads in the Rosebud Indian Reservation area Friday forced postponement of a bond hearing for American Indian Movement leader Russell Means.

Circuit Court Judge Richard Braithwaite, who sentenced Means to four years in prison Wednesday, will decide Saturday or Monday whether to jail Means immediately or allow him to remain free for what is expected to be a long appeal process.

Braithwaite sentenced Means Wednesday to serve the four years in the state penitentiary for his part in the

skirmish between police and courtroom spectators at the Minnehaha County Court house, Sioux Falls, April 30, 1974.

Means had requested probation instead of incarceration so he could continue his work with AIM and work on his pending court cases.

Defense attorney Sidney Strange asked for probation on the basis that "he will achieve great things for his people and society."

However, Braithwaite said he didn't believe probation would work for Means. First felony offenders, as is Means, usually are given probation as

a chance for assimilation with society, he told the AIM leader. "But you and society are at odds."

The judge said he was convinced that Indian people came to the courthouse the day of the disturbance in order to do more than simply sit.

Braithwaite said he could sense the frustration the Indian people feel, but said, "riot is not the way to redress that."

The maximum sentence for riot in South Dakota is 10 years. Prosecutor Gary Pashby said he recommended a 6-8 year indeterminate sentence only because it was Means' first felony conviction.

(Indicate page, name of newspaper, city and state.)

Page 13

THE BISMARCK TRIBUNE

Bismarck, No. Dakota

Date: 1/2/76
Edition: Final
Author: AP/Sioux Falls, SD
Editor: JOHN O. HJELLE
Title: RUSSELL CHARLES
MEANS.

Character:

or

Classification: MP 89-231-92
Submitting Office: MP/Bismarck

☒ Being Investigated

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JAN 9 1976

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Immediate Jailing Asked For Means in S.D. Case

SIoux FALLS, S.D. (AP) — The state presented evidence Tuesday to show that American Indian Movement (AIM) leader Russell Means is a danger to the community and should be jailed immediately for his riot conviction in an April 1974 disturbance.

Terry Pudwill, Wessington Springs patrolman, testified that in June 1974 Means struck him with a pool cue in McLaughlin, S.D.

Circuit Court Judge Richard Braithwaite is deciding Tuesday whether to allow Means to remain free on bail pending an appeal of his riot conviction Dec. 15.

Last week Means' defense counsel presented testimony that Means was needed to continue his Indian work and to fight other pending court battles, including the alleged assault on Pudwill.

Means was sentenced Dec. 15

to four years in the state penitentiary for riot in the April 30, 1974, fight between the Sioux Falls riot squad and AIM sympathizers. He had been found innocent of a charge of injury to a public building in the incident.

(Indicate page, name of newspaper, city and state.)

Page 2

THE BISMARCK TRIBUNE

Bismarck, No. Dakota

b6
b7C

Date: 1/6/76
Edition: Final
Author: AP/Sioux Falls, SD
Editor: JOHN O. HJELLE
Title: RUSSELL CHARLES
MEANS

Character: [redacted] BIA- [redacted]
or
Classification: MP89-231 -93
Submitting Office: MP/Bismarck
☒ Being Investigated

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SERIALIZED FILED

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Judge Releases Means

SIOUX FALLS, S.D. (AP) — Russell Means said he was glad to be "out walking the streets" after being allowed to remain free on \$2,000 bail to begin an appeal process of his riot conviction.

Circuit Court Judge Richard Braithwaite ruled Tuesday that Means could travel freely if he reports his plans and

movements to court officials every 15 days.

However, Braithwaite said the American Indian Movement leader could not be actively involved with that group while out on bail.

"I believe I am a part of AIM and always have been," said Means. "It hurt me when he said I couldn't hang around with the AIM any longer."

(Indicate page, name of newspaper, city and state.)

Page 19

THE BISMARCK TRIBUNE

Bismarck, No. Dakota

Date: 1/7/76

Edition: Final

Author: AP/Sioux Falls, SD

Editor: JOHN O. HJELLE

Title: RUSSELL CHARLES
MEANS

Character: BIA

or

Classification: MP 89-231

Submitting Office: MP/Bismarck

☒ Being Investigated

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70-15915-2
157-1460-512
157-3734

~~80-231~~
70-9734
9731

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[Redacted]

[Redacted]

70-0-562 min refs. 89-231-94a

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20537

2-24-76 584 AHM

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CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
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SO Rushville NE	[REDACTED]	[REDACTED]	[REDACTED]	b6 b7C
USM Sioux Falls SD	[REDACTED]	[REDACTED]	[REDACTED]	Indictment Dism [REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
USM Fargo ND	[REDACTED]	[REDACTED]	[REDACTED]	
USM Sioux Falls SD	[REDACTED]	[REDACTED]	[REDACTED]	
	[REDACTED]	[REDACTED]	[REDACTED]	

Notations indicated by * are NOT based on fingerprints in FBI files but are listed only as investigative leads as being possibly identical with subject of this record.

IDENTIFICATION DIVISION

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

2-24-76 584 AHM

IDENTIFICATION DIVISION

WASHINGTON, D. C. 20537

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CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
CC-FBI Minneapolis MN				

(Mount Clipping in Space Below)

Means Trial Ordered Moved to Fargo

(Indicate page, name of paper, city and state.)

Page 1

THE FORUM

Fargo, No. Dakota

Judge Van Sickle Cites Study Showing Prejudice

BISMARCK, N. D. — U.S. District Court Judge Bruce Van Sickle, citing "substantial racial prejudice" in southwestern North Dakota, Wednesday ordered the trial of American Indian Movement leader Russell Means moved to Fargo.

Means is accused of interfering with a U.S. Bureau of Indian Affairs officer in the performance of his duties, a charge growing out of an incident in which Means was shot on the Standing Rock Indian Reservation June 7, 1975.

Trial for Means will begin in Fargo April 6 with Van Sickle presiding. The judge also ordered the trial of Thomas Poor Bear, who faces an identical charge, moved to Fargo, but Poor Bear will be tried separately. Both

were indicted by a federal grand jury in July 1975.

In his ruling, Van Sickle wrote that a sociological survey proved there was "pervasive" racial prejudice against Indians in the southwestern North Dakota division of U.S. District Court. He said that required "special attention by the court in order to assure that Indian people receive fair trials."

However, he also said the "assertion that Indian people cannot receive a fair trial in the southwestern division has not been proven."

Van Sickle turned down a defense motion to move the trial to Minneapolis.

Van Sickle's ruling nullified another defense motion asking dismissal on the grounds a fair trial cannot be obtained any-

where because of adverse publicity about Means and AIM.

Last December, results of a survey done by a New York sociologist for the defense in the case and filed in federal court concluded prejudice in the area would prevent a fair trial.

"The level of prejudice in the district (is such) a fair and impartial jury cannot be impaneled," Sidney Harring, Buffalo, N. Y., said in his report.

Means was shot during the incident involving BIA police near the Cannon Ball bridge on the north edge of the reservation, south of Bismarck-Mandan. The BIA said Means was shot accidentally by a policeman during a scuffle. Means said he was shot by a policeman's son.

Means also was charged

Date: 3/4/76
Edition: Morning
Author: Staff
Editor: JOHN D. PAULSON
Title: RUSSELL CHARLES
MEANS:

LT.

BIA-

Classification: AFO MP 89-231
Submitting Office: MP/Bismarck

☒ Being Investigated

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in state court with assault in another incident occurring about the same time. He was accused by Morton County authorities of aggravated assault and battery in a Fort Rice, N.D., tavern incident in which a man was struck with the butt of a rifle.

Means also faces trial in South Dakota on a murder charge growing out of the death of a man in a bar fight at Scenic, S.D. March 1, 1975.

He was found guilty last November of assaulting a policeman in Mission, S.D., and in December was convicted of riot as the result of a 1974 disturbance in a Sioux Falls, S.D., courtroom fight between police and spectators.

Van Sickle also ordered Wednesday that in both Means' and Poor Bear's Fargo trials, the defense would have 18 challenges without cause against prospective jurors, while the prosecution could have only the normal six.

In addition to the change of venue and the extra challenges, the judge said at the end of the court's examination of potential jurors, both sides "shall have the privilege for two hours in which to question the entire panel on the issue of racial prejudice and special prejudice against the American Indian Movement."

(Mount Clipping in Space Below)

How Court Ruled on Venue Change

Text of U.S. Judge's Order

Following is the text of the order of the United States District Judge Bruce Van Sickle directing that trials of Russell Means, American Indian Movement leader, and a co-defendant on a federal charge, Richard Poor Bear be moved from Bismarck to Fargo.

Judge Van Sickle issued the order Wednesday after finding what he termed "substantial racial prejudice" in the southwestern North Dakota division of the United States District Court district of North Dakota.

Attorneys for the defendants, who are charged with obstructing a federal officer in an incident that resulted in a gunshot wound to Means, had asked a change of venue to Minneapolis.

The order follows:

Defendants have filed a Rule 21 (a) motion asking that the trial of this case be transferred out of the District of North Dakota, asserting that there exists in the District of North Dakota so great a prejudice against the Defendants that they cannot obtain a fair and impartial trial at Bismarck, North Dakota.

To support this claim the Defendants have filed eleven affidavits from members of the community. These affidavits reflect the opinion, first that there is substantial prejudice in the Southwestern Division against Indians in general and the American Indian Movement and Russell Means in particular; and second, that this prejudice is so strong and pervasive that an impartial jury cannot be selected from among the populace of the Southwestern Division of the District of North Dakota. In addition, Defendants have filed a statistical survey done by National Jury Project of New York City. The sampler found

that within the area surveyed, the principal urban center (Bismarck-Mandan), and one rural county (McLean), the following:

- A. As to racial prejudice, approximately two-thirds had a strong racial prejudice against Indians.
- B. As to authoritarianism, (a tendency to be hostile to cultures and ways of life other than one's own, and to favor the state in criminal trials), nine-tenths of the sample reflected strong authoritarian attitudes.
- C. As to pretrial publicity and the impact of AIM and Russell Means as a symbol of AIM, and its prejudicial impact, more than nine-tenths of the sample identified Means, Wounded Knee and AIM and related them one to another.

The sampler concluded that since racial prejudice and authoritarianism were mutually supportive, and negative attitudes toward AIM and Means were broad and general, the Defendants could not receive a fair trial in the Southwestern Division.

The government responded by showing that in the western divisions of North Dakota, on a comparative basis, as to Indian people, more than the national average number of defendants who went to trial, were being found not guilty.

The witnesses who had presented affidavits were then interrogated in open court.

This interrogation brought out that only one of the witnesses — a court reporter in the state court, had ever observed the selection of a jury or followed a trial to its con-

clusion. And the court reporter had never observed the selection of a jury in Federal Court.

The expert witness who had developed the survey disclosed that another group was in the midst of a survey to test the need for a change of place of trial of persons associated with AIM, who are charged with a recent murder of two Federal Bureau of Investigation Officers. On the basis of professional information he had received from that group, he gave the opinion that these defendants could not receive a fair trial anywhere within the District of North Dakota.

It was apparent that, contrary to the common experience of those who participate in trials, none of the witnesses, including the survey expert, felt that jurors could recognize and discipline their prejudices, and make factual judgments from the evidence before them.

The expert witness recognized that various techniques are available to the court to assist in the selection of jurors who will act impartially. Some of them are:

1. Allow counsel to participate in the voir dire;
2. Allow the minority race defendant to voir dire the jury;
3. Increase the number of peremptory challenges;
4. Change the venue;
5. Require separate voir dire of jurors.

Defendants' Rule 21 (a) motion for change of venue is a privileged motion allowable only to the defendant.

(Indicate page, name of newspaper, city and state.)

Page 9

THE BISMARCK TRIBUNE

Bismarck, No. Dakota

Date: 3/6/76
Edition: Final
Author: Staff
Editor: JOHN O. HJELLE
Title: RUSSELL CHARLES MEANS

Classification: MP 89-231-96
Submitting Office: MP/Bismarck

☒ Being Investigated

SEARCHED INDEXED

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b7C

As pointed out in the discussion under the rules of criminal procedure dealing with venue, Rules 18 through 22, in Wright's Federal Practice and Procedure, venue in federal criminal cases is controlled by a complicated interplay of constitutional provisions, statutes and rules, and important considerations of policy with deep historical roots, which cannot be ignored. In his textbook, Federal Courts, 3rd Ed., Wright sees United States Constitution, Article III, S2(1) and the United States Constitution, Amendment VI(2) as both being addressed only to the Colonial grievance expressed in the Declaration of Independence as "transporting us beyond the seas for pretended offenses."

Again, in the discussion in Wright's Federal Practice and Procedure, S301, Wright sees the language in Article III, S2, as a venue assurance (place of trial) and the language in the Sixth Amendment as a vicinage assurance (selection of jurors from the place where the offense had been committed.)

But, history suggests to us still another element that went into the language of Article III, S2. In March, 1774, Parliament had, as part of its attempt to control the rebellious Colonies, passed "The Intolerable Acts" which provided among other things, that Royal Officers, if

indicted for certain crimes, were to be tried in friendly England, rather than in Massachusetts. See A. Complete History of the United States, Clement Wood, The World Publishing Co., p. 74.

This concept that the community which had suffered injury should be allowed to judge those charged with the injury, was a definite issue to the Colonists. It appears in the Bill for Settling the Troubles in America, authored by the Earl of Catham in 1775, in a provision which prohibits the transfer of those indicted for murder to another province or to Great Britain for trial. The Debate on the American Revolution, Max Beloff, Harper and Row, 1965. It appears in the Declaration of Independence as a grievance in this language: (The King has consented to legislation) "protecting (his officers) by a Mock Trial from Punishment for any Murders which they should commit on the Inhabitants of these States."

The interest of a community that those charged with violations of its laws, be tried in that community, is not a matter to be cast aside lightly. And as Wright suggests, very rarely, and only in extreme cases, is a rule 21 (a) motion to be granted. Wright Fed. Practice and Procedure, S341.

This Court finds the following facts:

1. Substantial racial prejudice exists in the Southwestern Division of the District of North Dakota, and the Indian people are the objects of that prejudice.
2. This fact of prejudice requires special attention by the Court in order to assure that Indian people receive fair trials. But the assertion that Indian people cannot receive a fair trial in the Southwestern Division of the District of North Dakota has not been proved.

3. Extreme prejudice exists against Russell Means, the American Indian Movement, and its members and associates, which renders it impossible for Russell Means, or those charged with him under an indictment to receive a fair trial within the Southwestern Division of North Dakota. But it has not been proved that they cannot receive a fair trial within the District of North Dakota. Therefore,

IT IS ORDERED:

A. The motion for a change of venue under Rule 21 (a) is denied.

B. To assure that the Defendants receive a fair trial, the following special provisions for trial are ordered by this Court:

1. The place of trial shall be the Southeastern Division of the District of North Dakota, Fargo, North Dakota. The trial shall begin at 10:00 a.m., April 6, 1976. (Rule 18, Fed. R. Cr. P.)

2. The trials of Russell Means and Thomas Richard Poor Bear shall be severed,

and the Russell Means case shall be tried first.

3. In each trial the Defendants shall have 18 peremptory challenges and the United States shall have six peremptory challenges.

4. At the conclusion of the voir dire by the Court, counsel for each side shall have the privilege of not to exceed two hours in which to voir dire the entire panel on the issues of racial prejudice and special prejudice against AIM only.

These provisions are for the protection of the Defendants. Any one or several of them may be waived by the Defendants or either of them.

Dated at Bismarck, North Dakota, this 3rd day of March, 1976.

BY THE COURT
s/ BRUCE VAN SICKLE
Bruce M. Van Sickle
Judge
United States
District Court

1. "The trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed."

2. "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence."

(Mount Clipping in Space Below)

The Problem of Prejudice

On Page 9 today, The Tribune is printing the text of the order of U.S. District Judge Bruce Van Sickle moving the trial of Russell Means and Thomas R. Poor Bear from Bismarck to Fargo.

Means is nationally-known as a leader in the American Indian Movement and as a participant in headline-making activities at Wounded Knee, S.D., some time ago.

Poor Bear, who is from Rosebud, S.D., and Means are charged with interference with a federal officer, the charge stemming from an altercation on Standing Rock Indian Reservation, south of Mandan, in which Means suffered a gunshot wound.

Judge Van Sickle, as the text of the order printed on Page 9 details, found that there was a "pervasive

prejudice" against Indians in southwestern North Dakota.

But he also found that the assertion that Indian people cannot receive a fair trial in this area has not been proved.

He did, however, find that such prejudice exists against Russell Means and AIM that it would be impossible for Russell Means and those charged with him to receive a fair trial here.

But he held also that it had not been proved they could not get a fair trial anywhere within the District of North Dakota.

The text of Judge Van Sickle's order is printed so that readers of The Tribune, who are the residents of the southwest division of the North Dakota district, can better understand the allegations made in the

An Editorial

request for a change of venue and the reasoning behind the judge's order.

Let us acknowledge, to begin with, that there is at least a stirring of some kind of prejudice in every one of us, not only here in southwestern North Dakota, but also everywhere else.

It is entirely possible, and even likely, that there is no more basic prejudice against Indians, or Mexicans, or whoever, in this area than there is in Fargo, Sioux Falls, Minneapolis, Brooklyn or Peoria. The prototype of Archie Bunker, model "well-intentioned" bigot of the television screen, was not found in rural America. The fact could be that while there is a prejudice, in certain ways, against a part of our population there also is a counter-balancing prejudice in its favor on the part of another part of our population. And

equal prejudices may apply between other segments of our people.

But, the finding should give us pause. No one likes to be told that he is a bigot, or to have someone else think he is a bigot. The order, of course, does not say anything like that, though that may be how some people will interpret it. It does suggest, however, that we might benefit from a reexamination of our individual attitudes. Since prejudice seems to be a normal part of every human's make-up, we might not be able to eliminate it, but by knowing ourselves better we might be able to reduce it or at least keep it under control.

(Indicate page, name of newspaper, city and state.)

Page 4

THE BISMARCK TRIBUNE

Bismarck, No. Dakota

Date: 3/6/76 b6
Edition: Final b7C
Author: Editorial
Editor: JOHN O. HJELLE
Title: RUSSELL CHARLES
MEANS

LT. [] BIA -
[] AFO
Classification: MP 89-231-97
Submitting Office: MP/Bismarck
☒ Being Investigated

SEARCHED INDEXED
SERIALIZED FILED

3/15/76

AIRTEL

AIRMAIL

TO: DIRECTOR, FBI (89-3220)
(ATTENTION: EXHIBITS SECTION)

FROM: SAC, MINNEAPOLIS (89-231) (P)

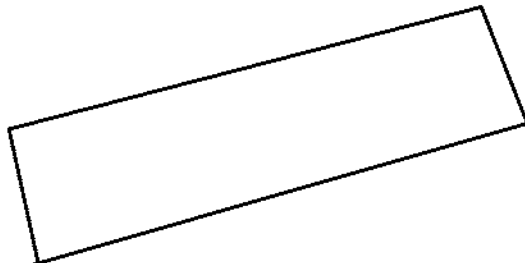
SUBJECT: RUSSELL CHARLES MEANS:
[REDACTED]
LI. [REDACTED] BUREAU OF
INDIAN AFFAIRS - [REDACTED]
AFO
OO: MINNEAPOLIS

b6
b7c

Re Minneapolis letter to the Bureau, dated 7/10/75.

No record can be found at Minneapolis of a reply to referenced letter, which requested a diagram be prepared for the trial in this matter. Trial has now been scheduled for 4/6/76, in USDC, Fargo, North Dakota, having been transferred from Bismarck, North Dakota.

The Exhibits Section is requested to advise Minneapolis if an exhibit can be prepared as requested in time for trial 4/6/76. If not, it is requested that the rough draft notes submitted with referenced letter be returned immediately to Minneapolis.



2 - Bureau
(2) - Minneapolis
[REDACTED] kan

89-231-98

(Mount Clipping in Space Below)

Change of Venue Sought For Means' Assault Case

Defense counsel for American Indian Movement leader Russell Means is preparing to ask for a change of venue for Means' trial in Morton County District Court on an aggravated assault charge.

The charge stems from an incident Jun 7, 1975, in a Fort Rice bar in which Means is alleged to have struck a bar patron with a rifle butt. The incident preceded another the same day on Standing Rock Indian Reservation in which Means sustained a gunshot wound and was later charged with interfering with a federal officer in the performance of his duty.

Change of venue for Means' trial on the federal charge, moving it from the federal court here to the Southeast District court at Fargo, was granted following a hearing in which U. S. District Judge Bruce Van Sickle ruled that Means could not get a fair trial at Bismarck because defense contentions of racial prejudice were valid. Judge Van Sickle is to hear that case at Fargo,

starting April 6.

State District Judge Eugene Burdick, Williston, was appointed by the State Supreme Court to hear the Morton County case after Means' attorney, Richard Baer, requested a change of judge.

In a Mar. 4 letter to Judge Burdick, Baer had asked for the court to authorize payment for a transcript of the proceedings at the federal court hearing in preparation of his motion for change of venue on prejudicial grounds.

Judge Burdick in his response suggested the possibility of an agreement between defense counsel and Morton County State's Attorney Richard Schnell for change of venue "in light of the action taken by U. S. District Judge Bruce Van Sickle."

Schnell, in a letter filed with the Morton court Monday, told

Judge Burdick he did not believe Morton County is prejudiced against American Indians or Means and that a fair trial could be held in the Morton District Court.

However, he proposed that venue in the Means' case be transferred to Sioux County but be heard in the Morton County Courthouse in Mandan, due to the inadequacy of court facilities in Sioux County.

He noted that the jury would be drawn from Sioux County which, he said, is the only all-reservation county in the state of North Dakota.

"I am confident that we would be able to get a totally unprejudiced jury from Sioux County which would include American Indian people and that the citizens of that county would be able to judge the case fairly and impartially," he concluded.

(Indicate page, name of newspaper, city and state.)

Page 12

THE BISMARCK TRIBUNE

Bismarck, No. Dakota

Date: 3/16/76
Edition: Final
Author: Staff
Editor: JOHN O. HJELLE
Title: RUSSELL CHARLES MEANS

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b7C

LT.

BIA-AFO

Classification: MP 89-231-99
Submitting Office: MP/Bismarck

☒ Being Investigated

SEARCHED INDEXED
SERIALIZED FILED

NR004 MP PLAIN

SENT 2:20AM MARCH 19, 1976 NITEL 3/18/76 RJG

TO DIRECTOR

FROM MINNEAPOLIS 89-NEW P

UNSUB; GUNSHOT FIRED IN VICINITY OF RESIDENCE OF LT. [REDACTED]
LAW ENFORCEMENT SERVICES, BUREAU OF INDIAN AFFAIRS, CANNON BALL,
NORTH DAKOTA, 3/17/76 - AFO

OO: MINNEAPOLIS

AT APPROXIMATELY 7:00 P.M., 3/17/76, AT CANNON BALL, NORTH
DAKOTA, ON THE STANDING ROCK SIOUX INDIAN RESERVATION, AN UNIDENTI-
FIED MALE DROVE A VEHICLE TO THE FRONT OF THE RESIDENCE OF LT. [REDACTED]
[REDACTED] LAW ENFORCEMENT SERVICES, BUREAU OF INDIAN AFFAIRS, AND ASKED
A PASSERBY IF [REDACTED] RESIDED THERE. THE PASSERBY REPLIED IN THE
AFFIRMATIVE. THE UNKNOWN SUBJECT THEN DISPLAYED A .30 - .30 RIFLE,
PLACED A ROUND IN THE CHAMBER, AND STATED HE INTENDED TO SHOOT OUT
THE PORCH LIGHT. THE PASSERBY WARNED THE UNKNOWN SUBJECT NOT SHOOT
AND THE UNKNOWN SUBJECT DEPARTED THE AREA. WITHIN MOMENTS, WHAT
SOUNDED LIKE A GUNSHOT WAS HEARD BY A WITNESS APPARENTLY ORIGINATING
SOME DISTANCE AWAY IN THE DIRECTION THE UNKNOWN SUBJECT HAD
DEPARTED.

BIA INVESTIGATION DETERMINED NO PROJECTILE IMPACT COULD BE
FOUND IN THE [REDACTED] HOUSE AND NO WITNESSES TO ANY DISCHARGE OF A WEAPON

89-231-100
SEARCHED INDEXED
SERIALIZED FILED

MAR 19 1976

89-NEW; PAGE TWO
COULD BE FOUND.

REPORT FOLLOWS.

ADMINISTRATIVE

INVESTIGATION BY THE FBI INSTITUTED CAPTIONED MATTER IN VIEW
OF [REDACTED] STATUS AS [REDACTED] IN MINNEAPOLIS AFO CASE ENTITLED AS
FOLLOWS, WHICH IS SCHEDULED FOR TRIAL IN USDC, FARGO, NORTH
DAKOTA, 4/6/76:

RUSSELL CHARLES MEANS; [REDACTED] LT. [REDACTED]

[REDACTED] BUREAU OF INDIAN AFFAIRS-VICTIM; AFO; MP 89-231,

BUREAU FILE 89-3220.

END.

HOLD

WA - MEB

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(Mount Clipping in Space Below)

Means, Poor Bear Trials Brought Together Again

FARGO (AP) — The trials of American Indian Movement (AIM) leader Russell Means and Thomas Poor Bear, once separated, are to be held together in U.S. District Court at Fargo, according to court records.

The jury trials had been separated by U.S. District Court Judge Bruce Van Sickle, who will preside. The judge noted separation of the trials was changed after conferences with defense counsel and U.S. attorneys.

At the time he ordered the trials split, Van Sickle had shifted them from Bismarck to Fargo on the grounds that North Dakota's Southwestern Division of U.S. Court had racial prejudice against Indian people.

Van Sickle said the combined trial was scheduled to start in Fargo April 6.

The two are charged with interfering with a Bureau of Indians Affairs officer in the performance of his duties. The charges stem from an incident on the Standing Rock Reservation June 7, 1975.

The court also said in one of two recent orders it would be necessary to complete jury selection in the first day of the trial, so attorneys should "anticipate working late into the evening."

In another order Van Sickle admonished principals, attorneys and court personnel not to make statements concerning the case without authorization from the court.

(Indicate page, name of newspaper, city and state.)

Page 5

THE BISMARCK TRIBUNE

Bismarck, No. Dakota

Date: 3/26/76

Edition: Final

Author: AP/Fargo, ND

Editor: JOHN O. HJELLE

Title: RUSSELL CHARLES

MEANS: [REDACTED]

[REDACTED] I.T. [REDACTED]

Character: [REDACTED] BIA; AFO

or

Classification: MP 89-231-101

Submitting Office: MP/Bismarck

☒ Being Investigated

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SERIALIZED FILED
APR 2 1976

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UNITED STATES GOVERNMENT

Memorandum

TO : SAC, MINNEAPOLIS (89-231)

DATE: 3-30-76

✓ FROM : Director, FBI (89-3220)

SUBJECT: RUSSELL CHARLES MEANS:

[REDACTED]
LT. [REDACTED] BUREAU OF
INDIAN AFFAIRS [REDACTED]
AFOb6
b7C
b3Re urlet dated 7-10-75, urairtel dated 3-15-76 and
Bureau telephone call to MP on 3-22-76.There is (XX) being forwarded to AUSA [REDACTED]
North Dakota ATTN: SA [REDACTED]by Profit By Air, B/L #L0958476 one
(method of transmittal) (number or quantity)[REDACTED] prepared by Exhibits Section,
Administrative Division, re captioned matter.

The following action should be taken by your office:

- ☒ Check charts against submitted work papers or roughs.
- ☐ Advise of exact trial date, soon as known.
- ☒ After action completed advise Bureau, attention Exhibits Section, re use and value of charts. Include comments, if any, by court officers.
- ☐ Note list of chart titles on attached sheet.
- ☐ Note Exhibits Section Comments on attached sheet.

COMMENTS: Package contains [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

1-Package

89-231-102
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SERIALIZED FILED

(Mount Clipping in Space Below)

Judge closes Means trial to public

FARGO, N.D. (AP) — U.S. District Court Judge Bruce Van Sickle says the public was to be excluded from jury selection Tuesday in the trial of American Indian Movement leader Russell Means and Thomas Poor Bear.

The two are charged with interfering with a Bureau of Indian Affairs officer in the performance of his official duties stemming from a shooting incident June 7 on the Standing Rock Reservation in North Dakota.

Earlier, Van Sickle had moved the trial from Bismarck to Fargo because of what he said was racial prejudice in the southwestern district of North Dakota, and he had ordered principals against making unauthorized statements during the trial.

Means, 36, listed his address as Bismarck, and Poor Bear, 21, gave his address as Rosebud, S.D.

As part of his order Monday Van Sickle did not disclose who moved to exclude the public from the jury selection, which he has said is expected to take all day.

"A request was made that, where there are motions with emotional overtones, that the origin of the motion be kept secret," he said. "This ruling in effect answers that request. This is a motion by one of the principals."

The judge added exclusion of the public would help assure the 75 prospective jurors "speak freely" during the selection, and would remove a courtroom space problem. He explained the courtroom spectator section has seating for about 115 persons.

The trial for the two men had been separated in the earlier ruling on prejudice, but Van Sickle later ordered them combined again.

Van Sickle said he hoped to have the jury selection completed on one day "because it's an expensive thing keeping them over (a second day)."

Earlier he had also ordered the public excluded from the trial when arguments were presented to the court out of the presence of the jury.

(Indicate page, name of newspaper, city and state.)

PAGE 11

RAPID CITY
JOURNALRAPID CITY,
SOUTH DAKOTA

Date: April 6, 1976
Edition: FINAL
Author:
Editor: JAMES M. KUEHN
Title:

Character:

or

Classification: 157-1460

Submitting Office:

☐ Being Investigated

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89-231-103
SEARCHED INDEXED
SERIALIZED FILED

(Mount Clipping in Space Below)

Scene Switches to Bismarck Monday

Means Trial Testimony Continues

FARGO (AP) — The trial of American Indian Movement leader Russell Means will reconvene at Bismarck Monday as defense attorneys continue testimony from a group of 17 possible defense witnesses.

Means is on trial in U.S. District court on charges of interfering with a Bureau of Indian Affairs officer in a June 1975 incident in which Means was wounded.

U.S. District Judge Bruce Van Sickle Friday ordered the trial continued in Bismarck after the weekend recess.

Defense attorneys had cited racial prejudice and the inability to find an unbiased jury as reasons for moving the trial from Bismarck, where it was originally scheduled. After defense attorneys waived the jury Tuesday, Van Sickle said the need for a change was unnecessary.

The judge also cited cost factors as a reason for moving the trial to Bismarck.

Lt. Patrick Kelly, the arresting BIA officer, testified earlier that Means came at him, a scuffle ensued and the police officer's revolver accidentally discharged.

But several defense witnesses Friday disagreed with that version of the incident.

Phyllis Lincoln, Twin Buttes, said Means was trying to help Thomas Poor Bear, who was on the ground, when Kelly collared the AIM leader.

"I saw the cop grab Russell's hair," she said. "Russell was trying to get up and the gun went off."

She said she viewed the action while sitting in her car across the road and did not see Means make any moves which could be interpreted as a threat.

Virgil Running Bear, Fort Yates, said he was in a pickup across the road when he heard the shot.

"Russ was leaning over when the gun went off," Running Bear said.

Running Bear said he did not see Poor Bear of the ground, but noted a pickup mirror hampered his vision.

Dale Means of Sioux City, Iowa, brother of the defendant, also said Means was stooped over when the revolver discharged.

"When he (Russell) bent down to help Tom, that's when I heard the shot," Dale Means said.

None of the defense witnesses said they saw the defendant in the road when the incident occurred until after the BIA police car had stopped. However, Kelly said he stopped his car when he saw two men standing in the road.

Earlier Friday, Poor Bear testified he had been thrown to the ground after an argument with Kelly.

"Russ came over, was reaching over, I guess he was trying to help," Poor Bear said. "I heard a shot and Russ fell over me."

A forensic pathologist, Dr. Garry Peterson of St. Paul, Minn., testified for the defense that Means could not have been sitting when he was struck by the bullet.

Peterson had been told by Means that the AIM leader was "shot when he was bending over... a somewhat prone position."

Peterson's conclusion agreed with the description given by Means.

Despite the focus of testimony on the shooting, Van Sickle said the wound was received "after the interference, if there was any interference at all."

Page 12

THE BISMARCK TRIBUNE

Bismarck, ND

Date: 4/10/76
Edition: Final
Author: AP, Fargo, ND
Editor: JOHN O. HJELLE
Title: RUGGELL CHARLES
MEANS.

Character

or

Classification: MP 89-231-104
Submitting Office: MP/Bismarck

☒ Being Investigated

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Judge Cites Cost for Move

Means' Trial Coming Back

FARGO (AP) — U.S. District Court Judge Bruce Van Sickle Friday ordered the trial of former American Indian Movement leader Russell Means moved to Bismarck.

Means, who lists Bismarck as his home, is charged with interfering with a Bureau of Indian Affairs officer during a June, 1975 incident in which the AIM leader was wounded.

Van Sickle had moved the trial to Fargo when defense attorneys cited racial prejudice in the Bismarck area but they later asked for a non jury trial.

At the end of the Friday morning session, Van Sickle checked with attorneys to see if there was a possibility they could wrap up the trial by the end of the day. But the judge was told that was not possible.

Van Sickle ordered the afternoon session to continue as scheduled but said "the trial

will reconvene in Bismarck on Monday."

Van Sickle said the question of racial prejudice had been removed with the non jury trial and he also cited cost factors involved in holding court away from Bismarck.

The defense opened its case during the Friday session and called a forensic pathologist who testified that Means could not have been in a sitting position when he was shot.

Lt. Patrick Kelly, arresting BIA officer, has said Means had been tossed to the ground and Kelly's service revolver accidentally discharged when Means was in a sitting position.

Dr. Jerry Peterson, St. Paul, Minn., said Means had told the doctor he "was shot when he was bending over...a somewhat prone position."

Peterson's conclusions agreed with the

description given by Means.

However, Van Sickle said the wound was received "after the interference if there was interference at all."

Thomas Poor Bear, Rosebud, S.D., who had charges of interfering with a BIA officer dismissed Thursday, also took stand.

He said the BIA police car stopped near his own vehicle and he went over to ask what the policeman wanted.

He also said he and Kelly argued about "who was hassling who" when Poor Bear thought Means spoke to him.

Poor Bear said he turned to Means and was then thrown to the ground.

"Russ came over, was reaching over, I guess he was trying to help," Poor Bear said.

Van Sickle dismissed the charges against Poor Bear Thursday.

(Mount Clipping in Space Below)

(Indicate page, name of newspaper, city and state.)

Page 1

THE BISMARCK TRIBUNE

Bismarck, ND

Date: 4/9/76

Edition: Final

Author: AP/Fargo, ND

Editor: JOHN O. HJELLE

Title: RUSSELL CHARLES

MEANS.

Character:

or

Classification:

Submitting Office: MP/89-231-105

Submitting Office: MP/Bismarck

☒ Being Investigated

SEARCHED INDEXED
SERIALIZED FILED

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Judge Cites Lack of Jury

Means' Trial May Come Back to Bismarck

FARGO, (AP) — U.S. District Judge Bruce Van Sickle has asked counsel for the prosecution and defense if there were any reasons the trial for Russell Means and Thomas Poor Bear could not be moved back to Bismarck.

Means, who describes himself as a former leader of the American Indian Movement, and Poor Bear are on trial on charges of interfering with a Bureau of Indians Affairs officer in a June, 1975, incident on the Standing Rock Indian Reservation. Means was wounded in the incident.

The trial was originally scheduled for Bismarck, but

Van Sickle moved the proceedings to Fargo after defense attorneys cited racial prejudice in the area and said an unbiased jury could not be found.

Defense counsel had waived the jury Tuesday.

"I ask counsel to give reasons why we cannot complete this case in Bismarck," Van Sickle said at the opening of Thursday's session.

Van Sickle said the racial question was not a matter of concern because no jury was hearing the case.

Attorneys for both prosecution and defense indicated they may not challenge the move to Bismarck.

In the opening minutes of Thursday's session, arresting officer Lt. Patrick Kelly produced a personal notebook which had been requested by defense counsel.

After the court examined the notebook for possible mention of the incident Van Sickle said it "does not cover any reference to the fracas. I don't see the notebook as helpful to prove or disprove anything."

The judge also said most notations in the entire notebook were references to dates and milages.

Thodore Kelly, the officer's son, also took the stand Thursday. He had been riding in the

car when the incident took place.

The younger Kelly gave testimony similar to that of his father in recounting the incident.

Thodore Kelly identified both Means and Poor Bear as the individuals involved although his father had been unable to identify Poor Bear. The son said he was not aware of the names until after the incident occurred.

During Wednesday's testimony, the police officer said Means' identity was learned during the time he was taking the men to Fort Yates.

However, his son said he did

not find out the names of the individuals until after they arrived in Fort Yates.

The senior Kelley said Wednesday he was not able to identify the second man and limited his references to the second person as "a man in a white tee-shirt."

The BIA officer said he had overheard a radio communication between the Morton County Sheriff's Office and the Fort Yates police as he was starting his duty day.

Kelly, accompanied by his son, Theodore, cruised through the area and was stopped by Means.

(Mount Clipping in Space Below)

(Indicate page, name of newspaper, city and state.)

Page 1

THE BISMARCK TRIBUNE

Bismarck, No. Dakota

Date: 4/8/76

Edition: Final

Author: AP/Fargo, ND

Editor: JOHN O. HJELLE

Title: RUSSELL CHARLES MEANS;

Character: BIA-

or: AFO

Classification: MP-89-231-166

Submitting Office: MP/Bismarck

☒ Being Investigated

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SERIALIZED FILED

(Mount Clipping in Space Below)

Testimony Begins In Means' Case

FARGO (AP) — A radio dispatcher opened testimony in U.S. District Court at Fargo Wednesday in the trial of American Indian Movement leader Russell Means and Thomas Poor Bear, both charged with interfering with a Bureau of Indian Affairs officer.

Frank Ereth Jr., of Morton County sheriff's office, testified he had requested assistance from Fort Yates law enforcement officials to deal with an incident at a Fort Rice tavern.

"My request for assistance was acknowledged by Fort Yates radio," Ereth said.

In opening statements, U.S. Atty. Harold Bullis said BIA officer Pat Kelly was responding to the call when Kelly was confronted by the defendants near Fort Yates.

Bullis said Kelly thought he was being attacked and his revolver accidentally discharged during a scuffle. Means was hospitalized for a wound.

Irvin Nodland of Bismarck, Poor Bear's attorney, called the event "a disorganized police event with police searching for defendants."

Nodland also said no physical confrontation took place until Kelly seized Poor Bear and threw him to the ground after a discussion over harassment. He called Kelly's movements "an over-reaction."

Means presented his own opening statement.

The AIM leader disputed the government contention he and Poor Bear had started the scuffle and said the matter should have been tried under tribal statutes rather than federal law.

"I believe we are in the wrong courtroom," Means said, indicating tribal court should have jurisdiction "because it did happen in Indian territory."

The trial had been moved from Bismarck to Fargo after U.S. District Court Judge Bruce Van Sickle had agreed with defense contentions that there was prejudice in southwestern North Dakota.

Van Sickle had closed jury selection to the public Tuesday, but later the trial was changed to be held before the court only at the defense request.

(Indicate page, name of newspaper, city and state.)

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THE BISMARCK TRIBUNE

Bismarck, ND

Date: 4/7/76
Edition: Final
Author: AP, Fargo, ND.
Editor: JOHN O. HJELLE
Title: RUSSELL CHARLES
MEANS:

Character: [] LT []
or [] BIA-
AFO
Classification: MP 89-231-107
Submitting Office: MP/Bismarck

☒ Being Investigated

b6
b7C

SEARCHED INDEXED
SERIALIZED FILED

(Mount Clipping in Space Below)

Jury Dismissed In Means Trial

FARGO (AP) — In a surprise move Tuesday, the jury for the trial of Russell Means and Thomas Poor Bear was dismissed shortly after it was chosen and U.S. District Judge Bruce Van Sickle said he would hear the case and issue the verdict himself.

The move came after defense attorneys Richard Baer and Irvin Nodland, both of Bismarck, requested the jury be dismissed after it was learned a co-defendant of Means in another case tried in Rapid City, S.D., was found guilty of murder Tuesday morning and sentenced to life imprisonment.

Means is expected to go on trial later this month in Rapid City in connection with the incident at a Scenic, S.D. bar that left one man dead.

Defense counsel said jurors in the trial of Means and Poor Bear, who are charged with in-

terfering with an officer of the Bureau of Indian Affairs in an altercation at the Standing Rock Indian Reservation last June 7, would be prejudiced when they learned of the Rapid City court's action.

U.S. attorney Hal Bullis objected to the motion, but withdrew it later in the day after Van Sickle said the jury would be sequestered for the duration of the trial to prevent them from learning of the information.

Van Sickle agreed to dismiss the jury shortly after 6 p.m. after a full panel had already been chosen.

Van Sickle had transferred his court from Bismarck to Fargo after it was determined Means and Poor Bear could not get a fair trial in the capital city because of widespread prejudice against Indians.

Van Sickle was scheduled to continue the case Wednesday morning.

(Indicate page, name of newspaper, city and state.)

Page 9

THE BISMARCK TRIBUNE

Bismarck, ND

Date: 4/7/76
Edition: Final
Author: AP/Fargo, ND
Editor: JOHN O. HJELLE
Title: RUSSELL CHARLES
MEANS:

b6
b7C

Character: [redacted] LT. [redacted] BIA-
or [redacted] AFO
Classification: MP 89-231-108
Submitting Office: MP/Bismarck
☒ Being Investigated

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 4/5/76

[redacted] Fort Yates, North Dakota, provided the following information concerning events which took place on 6/7/75 involving RUSSELL CHARLES MEANS and [redacted] on North Dakota Highway 1806, near Cannon Ball, North Dakota, on the Standing Rock Indian Reservation:

On 6/7/75, [redacted] was at MEANS' residence at Bismarck, North Dakota. The time was approximately 9:00 a.m., and in addition to several people that [redacted] did not know, present were MEANS, [redacted] and [redacted]. This group of people, including [redacted] left Bismarck at approximately noon on 6/7/75 and went to the bar at Huff, North Dakota, and later to the bar at Fort Rice, North Dakota.

At Fort Rice, RUSSELL MEANS, [redacted] [redacted] and [redacted] went into the Fort Rice Bar. None of the girls accompanying the group went into the bar. RUSSELL MEANS carried a rifle into the bar with him. The rifle belonged to [redacted] and had been in [redacted] pickup truck. The gun was not loaded, [redacted] did not have any ammunition for the rifle, and [redacted] did not think RUSSELL MEANS had any ammunition for the rifle.

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When they entered the bar, [redacted] observed 6 or 7 white people in the bar. Some unknown period of time prior to 6/7/75, several white people had beaten [redacted] and [redacted] at the Fort Rice Bar; however [redacted] had not been there at the time and he did not know if the people in the bar on 6/7/75 were the same ones who had beaten [redacted] and [redacted]. [redacted] did not see it happen, but in a few moments after they entered the Fort Rice Bar, [redacted] and a white person got into a fight and the white person was on the floor. [redacted] did not know whether or not anyone other than [redacted] hit the white person because [redacted] had his back turned at the time.

[redacted] and the aforementioned individuals left the Fort Rice Bar following the fight and drove in four vehicles to the Standing Rock Indian Reservation. When they arrived at a point just south of the [redacted] ranch, on North Dakota Highway 1806, [redacted] in his pickup truck, was the 4th vehicle in a caravan of 4 vehicles. The 3 vehicles in front of [redacted] stopped and as [redacted] stopped behind them, he noticed [redacted] police vehicle parked in the north-bound lane and [redacted] out in front of the car holding RUSSELL MEANS by the hair with his left hand. MEANS was sitting on the

Interviewed on 4/1/76 at Fort Yates, North Dakota File # MP 89-231-109
by SA [redacted] /cf Date dictated 4/5/76

pavement leaning on his right hand with his left side towards [redacted]
[redacted] had a gun in his right hand and [redacted] heard one shot go off.
He assumed [redacted] had shot MEANS because the hand gun was pointed at MEANS
and was about 3 or 4 feet from MEANS' left side. [redacted] put RUSSELL MEANS
in the back seat of his police vehicle. [redacted] was already in the back
seat. [redacted] was standing by the right side of the police vehicle pointing
a shot gun at the people in the 4-car caravan, and stated, "None of you fuckers
move or I'll shoot your heads off." They didn't move and [redacted] stayed
inside his pickup where he was parked, approximately 50 yards from the police
vehicle.

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[redacted] could not recall who was in each of the vehicles;
however, he believed [redacted] was in the first vehicle; [redacted] (last name
unknown) was in the 2nd vehicle; [redacted] was in the 3rd vehicle;
and [redacted] was in the 4th vehicle, a 1972 Dodge pickup with a
shell-type camper in back. [redacted] did not know which car MEANS and
[redacted] had gotten out of because it happened before [redacted] arrived.

After [redacted] departed the area with MEANS and [redacted] the four-car
caravan followed the police vehicle to Fort Yates, North Dakota. [redacted]
was not among those subsequently arrested in the caravan by police officers
from Fort Yates, North Dakota.

[redacted] and his companions had been drinking beer during the day
of 6/7/75. [redacted] believed he had approximately 4 beers. He could not
recall how much RUSSELL MEANS and [redacted] drank during the day.
[redacted] did not believe anyone in the group was intoxicated.

The following descriptive information concerning [redacted] was
obtained through observation and interview:

Name	[redacted]
Race	American Indian
Sex	Male
Date of birth	[redacted]
Place of birth	Fort Yates, North Dakota
Height	5'10"
Weight	200 lbs.
Hair	Black
Eyes	Brown
Residence	Lives with [redacted] 7-8 miles north of Fort Yates, North Dakota

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/18/76

[redacted] Lieutenant of Police, Law Enforcement Services, Bureau of Indian Affairs, Cannon Ball, North Dakota, furnished a .38 caliber cartridge with a silver casing and copper jacketed bullet marked "W-W 38 Special" on the end of the casing. The casing was marked and retained for evidence. [redacted] obtained the cartridge from his ammunition belt which he wears when on duty. The above described cartridge is of the same type as was carried in [redacted] service revolver when RUSSELL CHARLES MEANS was shot in June, 1975. [redacted] furnished no written report concerning the shooting of MEANS to the Bureau of Indian Affairs, Fort Yates, or to anyone else, nor did [redacted]

[redacted]

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b7C

Interviewed on 3/16/76 at Cannon Ball, North Dakota File # MP 89-231 110
by SA [redacted] rjt Date dictated 3/18/76

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/23/76

The .38 caliber cartridge obtained by Special Agent [redacted] from Lieutenant [redacted] Law Enforcement Services, Bureau of Indian Affairs, Cannon Ball, North Dakota, on March 16, 1976, was submitted to [redacted] for RUSSELL CHARLES MEANS, by Special Agent [redacted] through [redacted] Secretary, [redacted] on March 16, 1976.

The cartridge was submitted to [redacted] in the presence of Special Agent [redacted] pursuant to the approval of HAROLD O. BULLIS, United States Attorney, Fargo, North Dakota.

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Interviewed on 3/16/76 at Bismarck, North Dakota File # MP 89-231-111by SA [redacted] [redacted] CAC Date dictated 3/22/76

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/29/76

[redacted], M.D., Quain and Ramstad Clinic, 221 North Fifth Street, Bismarck, North Dakota, was presented for examination the Clinical Record-Narrative Summary prepared by [redacted] M.D., U.S. Public Health Service Hospital, Fort Yates, North Dakota, relating to Dr. [redacted] treatment of RUSSELL MEANS at Fort Yates on June 7, 1975.

Dr. [redacted] treated RUSSELL MEANS at St. Alexius Hospital, Bismarck, North Dakota, from June 7, 1976, until discharge on approximately June 14, 1976. Dr. [redacted] stated MEANS was treated for a "non-penetrating gunshot wound," which could be referred to as a superficial flesh wound.

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Dr. [redacted] considered the report of Dr. [redacted] to be consistent with his findings, and noted that the bullet exited MEANS' body at a point 2½" above and 4" forward of the entry point.

Dr. [redacted] examination disclosed no "powder marks". He was unable to form any opinion as to the distance between MEANS and the gun at the time the shot was fired.

Interviewed on 3/19/76 at Bismarck, North Dakota File # MP 89-231-112
by SA [redacted] /rjt Date dictated 3/23/76

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/29/76

[redacted] M.D., U.S. Public Health Service Hospital, Fort Yates, North Dakota, submitted to Special Agent [redacted] FBI, a copy of the "Clinical Record, Narrative Summary," dated June 9, 1975, relating to Dr. [redacted] treatment of RUSSELL MEANS on June 7, 1976. A copy of the narrative summary is attached hereto.

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b7C

Interviewed on 3/17/76 at Fort Yates, North Dakota File # MP 89-231-113
by SA [redacted] rjt Date dictated 3/23/76

(Mount Clipping in Space Below)

Charges against Poor Bear dropped

Recurring refs.
FARGO, N.D. (AP) — Charges against Thomas Poor Bear, Rosebud, S.D., of interfering with a Bureau of Indian Affairs officer were dismissed Thursday in U.S. District Court.

news refs.
However, U.S. District Judge Bruce Van Sickle denied a motion for dismissal of the same charges against Russell Means, former leader of the American Indian Movement. Means lists his address as Bismarck.

Van Sickle also said he was considering moving the trial to Bismarck, where it was originally scheduled although he would not make the decision until Friday.

In granting the motion for dismissal, Van Sickle said that "Poor Bear may have been engaged at most in abusive language."

The judge also said it was difficult to find that "Poor Bear made an overt threat."

The motion for dismissal was made after the prosecution rested its case.

Van Sickle said he might move the trial to Bismarck because the question of racial prejudice had been resolved.

Defense attorneys cited prejudice in the Bismarck area and Van Sickle moved the trial to Fargo. But defense attorneys requested the non-jury trial on Tuesday.

The trial "will reconvene at Bismarck Monday if by Friday we see we cannot get done by Saturday," Van Sickle said.

He had asked both attorneys if they opposed the move.

Prosecution counsel did not resist the motion; defense attorneys said "the defendants have indicated a desire to leave it up to the court's decision."

Van Sickle cited costs of \$1,500 to \$2,000 daily to hold the trial in Fargo and "routine work isn't being taken care of."

The charges stem from a June, 1975 incident in which Means was wounded, according to court records.

Lt Patrick Kelly, a BIA officer, said he and his son were in the northern regions of the Standing Rock Indian Reservation when they were stopped by Means and Poor Bear.

Kelly said he grabbed Poor Bear, and Means came toward the two of them. When the BIA officer also grabbed Means, the lieutenant's revolver accidentally discharged.

(Indicate page, name of newspaper, city and state.)

—Page 11

—Rapid City Journal

Date: 4-9-76

Edition: Final

Author:

Editor:

Title: Charges Against
Poor Bear dropped

Character:

or

Classification:

Submitting Office:

☐ Being Investigated

SEARCHED ☒ INDEXED ☒
SERIALIZED ☒ FILED ☒

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(Mount Clipping in Space Below)

Russell Means trial nearing conclusion

BISMARCK, N.D. (AP) — Final arguments were underway Tuesday in the trial of American Indian Movement (AIM) leader Russell Means in U.S. District Court at Bismarck.

Defense attorneys rested their case Monday, after Means took the stand in his own defense.

Means is on trial on charges of interfering with a Bureau of Indian Affairs (BIA) officer in a June 1975 incident in which Means was wounded. Charges against Thomas Poor Bear, who also had been charged in connection with the incident, were dropped last Thursday, but a motion for dismissal of the charges against Means, was denied.

The trial, originally set for Bismarck, had been moved to Fargo when defense attorneys cited racial prejudice in the Bismarck area. However, following a defense request later for a nonjury trial, Van Sickle ordered the case moved back.

After completion of the defense case, Means' attorneys asked Van Sickle to dismiss the case against him in light of a ruling last week by U.S. Chief Judge Fred Nichol.

In the case, Nichol ruled that a 1913

federal law ended federal jurisdiction over the eastern part of the Standing Rock Reservation, where the incident involving Means took place. Nichol had dismissed the case, which involved seven indictments against six defendants, Means lawyers said.

Van Sickle took the dismissal motion under advisement. The judge said if Means was convicted, he could then rule on the motion after both sides had presented arguments on the matter.

Earlier, the judge had denied a defense motion for a mistrial on grounds that certain government witnesses talked with trial observers. Van Sickle denied the motion as being "without merit."

Taking the stand Monday, Means said Poor Bear had stopped to talk with BIA officer Lt. Pat Kelly, after Kelly had stopped another car.

Fearing a confrontation between Poor Bear and Kelly, Means said he walked toward the pair, who were talking near the officer's patrol car. Kelly grabbed Poor Bear and threw him down, Means said.

Means explained he then said "we don't want any trouble, knock it off."

(Indicate page, name of newspaper, city and state.)

PAGE 16

RAPID CITY
JOURNAL

RAPID CITY,
SOUTH DAKOTA

Date: April 13, 1976
Edition: FINAL
Author:
Editor: JAMES M. KUEHN
Title:

Character:

or

Classification:

Submitting Office:

☐ Being Investigated

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(Mount Clipping in Space Below)

Judge acquits Russell Means

BISMARCK, N.D. (AP) — U.S. District Judge Bruce Van Sickle Tuesday acquitted American Indian Movement leader Russell Means of a charge of interfering with a Bureau of Indians Affairs officer.

Van Sickle cited conflicting versions of what happened in the incident. The judge said the charge boiled down to Means' actions when he approached BIA police Lt. Pat Kelly.

Kelly had maintained Means was interfering with the performance of Kelly's official duties. However Means maintained he approached Kelly in a peaceful manner and hoped to avoid trouble.

Van Sickle, who was hearing the trial without a jury, said that in view of equivocal evidence, the government had "not proved its case beyond a reasonable doubt."

The case stemmed from an incident in June of last year near Cannon Ball, N.D.

(Earlier story on Page 16)

(Indicate page, name of newspaper, city and state.)

— PAGE 3

— RAPID CITY
JOURNAL

— RAPID CITY,
SOUTH DAKOTA

Date: April 13, 1976

Edition: FINAL

Author:

Editor: JAMES M. KUEHN

Title:

Character:

or

Classification:

Submitting Office:

☐ Being Investigated

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APR 17 1976	

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(Mount Clipping in Space Below)

Means trial to be moved to Bismarck

FARGO, N.D. (AP) — The trial of American Indian Movement leader Russell Means will reconvene at Bismarck Monday as defense attorneys continue testimony from a group of 17 possible defense witnesses.

Means is on trial in U.S. District court on charges of interfering with a Bureau of Indian Affairs officer in a June, 1975 incident in which Means was wounded.

U.S. District Judge Bruce Van Sickle Friday ordered the trial continued in Bismarck after the weekend recess.

Defense attorneys had cited racial prejudice and the inability to find an unbiased jury as reasons for moving the trial from Bismarck, where it was originally scheduled. After defense attorneys waived the jury Tuesday, Van Sickle said the need for a change was unnecessary.

(Indicate page, name of newspaper, city and state.).

PAGE 3

RAPID CITY
JOURNAL

RAPID CITY,
SOUTH DAKOTA

Date: April 10, 1976

Edition: FINAL

Author:

Editor: JAMES M. KUEHN

Title:

Character:

or

Classification:

Submitting Office:

☐ Being Investigated

89-231-117

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(Mount Clipping in Space Below)

Judge acquits Means of charge of interfering with BIA officer

BISMARCK, N.D. (AP) — U.S. District Judge Bruce Van Sickle Tuesday acquitted American Indian Movement (AIM) leader Russell Means of a charge of interfering with a Bureau of Indians Affairs (BIA) officer.

Means had been charged with interfering with BIA Lt. Pat Kelly during an incident in June, 1975, along a highway on the Standing Rock Indian Reservation. Means was wounded in the confrontation.

The judge last week dismissed similar charges against Thomas Poor Bear, who also had been involved in the incident with Means.

Kelly said Means had interfered with him, a scuffle ensued and his revolver accidentally discharged, wounding the AIM leader.

However, Means maintained he had approached Kelly only in an attempt to help Poor Bear, after the officer had thrown Poor Bear to the ground. Means said he had wanted to avoid "any trouble."

The trial, originally set for Bismarck, had been moved to Fargo after defense attorneys said prejudice would not allow an impartial jury. But it was then moved to Bismarck after

defense attorneys waived a jury trial. Following final arguments Tuesday, Van Sickle ruled from the bench on the case.

Citing the testimony from Kelly and his son, who was with him at the time of the occurrence, which conflicted with defense witnesses, Van Sickle said the government had failed to prove its case "beyond a reasonable doubt."

"I think there is sufficient evidence of doubt that Russell Means was doing anything, but moving in to help Poor Bear," the judge said.

Following the judge's verdict, which was greeted with applause from Means' followers in the courtroom, the AIM leader said "the verdict proved in the federal courts there is some justice."

The judge said testimony in the case, including police radio logs, indicated Kelly was acting reasonably in the performance of his duties.

When he emerged from his patrol car to talk to Poor Bear, he faced about 10 of Means' friends, Van Sickle said.

The judge described Kelly as "a courageous officer perceiving that he might be moving into a dangerous situation."

"I find that officer Kelly reasonably concluded he was in immediate danger," the judge said.

However, on the key question of whether Means had attempted to interfere with Kelly, the judge said there was conflicting testimony.

He also said the trajectory of the bullet which struck Means, and testimony by a doctor last week, appeared to support the AIM leader's contention he was leaning over Poor Bear when he was shot.

"I conclude Russell Means had been thrown down or was in a crouching position when the gun went off," the judge said.

(Indicate page, name of newspaper, city and state.)

PAGE 32

RAPID CITY JOURNAL

RAPID CITY, SOUTH DAKOTA

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b7c

Date: April 14, 1976

Edition: FINAL

Author:

Editor: JAMES M. KUEHN

Title:

Character:

or

Classification:

Submitting Office:

☐ Being Investigated

89-281-118
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SERIALIZED FILED

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Policeman's Sister Protests Acquittal

By MARK KINDERS
Tribune Staff Writer

Susari Kelly Power walked a lone picket line with her daughter Tuesday afternoon to protest the acquittal in federal court of American Indian Movement leader Russell Means.

The sister of the Bureau of Indian Affairs officer, Lt. Pat Kelly, himself an Indian, who was involved in a shooting incident with Means last year at Standing Rock Reservation, Mrs. Power carried a sign protesting the ruling by U.S. District Court Judge Bruce Van Sickle.

"Russell Means brags in Indian Country that the law can't touch him," Van Sickle proved it."

Although she does not agree with Van Sickle's ruling, Mrs. Power said she had not contacted the judge, nor was attempting to embarrass him. "We're not wisenheimers," she said, "but we feel he hurt us with his ruling."

"AIM has made a mockery of justice because of their attitudes," she said, "and I'm trying to teach the white news media that they should show both sides of the story in something like this. Why didn't they contact Pat Kelly and get his side? I want them to stop making heroes of bums. AIM is in its death rattle, they do not represent the decent Indians."

"And I want to wake up the Indians," she added. "Pat Kelly's family has lived in hell since that incident last year. They've made things hard for him. I want the Indians to support him all the way, not just on the reservation. I hope I can reach enough of our people so that they show their guts and stop pitting family against family, and end the fear we have at Standing Rock."

Complaining of the "circus" atmosphere that AIM brought to the trial, she said: "I wish that we had more Standing Rock people in the courtroom so that they could have been seen by the judge."

"I feel that he (Van Sickle) was an honest man who tried to be fair to both sides, but that it was impossible for him to try to handle that circus up there and not have the groundwork set to influence him."

Mrs. Power said she was shocked at the ruling. "I could have been knocked over with a feather."

She said she doesn't know how long she'll continue picketing. "I'm only one person. I don't have the money or whiskey to have someone give me support here."

(Indicate page, name of newspaper, city and state.)

Page 18

THE BISMARCK TRIBUNE

Bismarck, ND

Date: 4/14/76

Edition: Final

Author: MARK KINDERS

Editor: JOHN O. HJELLE

Title: RUSSELL CHARLES

MEANS:

Character

or

Classification: MP 89-231

Submitting Office: MP/Bismarck

☒ Being Investigated

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Means Is Acquitted Of Charges



—Tribune Photo by Leo LaLonde

Means Is Acquitted

American Indian Movement leader Russell Means, accompanied by supporter Darlene Cheatham, departed the Bismarck Federal Building Monday afternoon after the defense rested its case in federal court here. Means was acquitted Tuesday of interfering with a federal officer in a bench trial before U.S. District Judge Bruce Van Sickle.

(Indicate page, name of newspaper, city and state.)

Page 1

THE BISMARCK TRIBUNE

Bismarck, ND

Date: 4/13/76
Edition: Final
Author: LUCILLE HENDRICKSON
Editor: JOHN O. HJELLE
Title: RUSSELL CHARLES
MEANS.

Character: [redacted] LT. [redacted] BIA -
or [redacted]
Classification: MP 89-231
Submitting Office: MP/Bismarck

☒ Being Investigated

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89-231-120

By LUCILLE HENDRICKSON

Tribune Staff Writer

Former American Indian Movement leader Russell Means was acquitted of charges of interfering with a Bureau of Indian Affairs police officer in federal court here Tuesday morning.

U.S. District Judge Bruce Van Sickle who had heard the case without jury, rendered the verdict after two hours of final arguments by defense and government attorneys.

Van Sickle cited conflicting versions of what happened in the incident. He said that given the unknowns in the case, the government had failed to prove beyond a reasonable doubt that Means, in an encounter with Bureau of Indian Affairs policeman Lt. Patrick Kelly on a reservation highway June 7, 1975, had committed any act of force toward the officer.

Kelly had testified that Means had lunged toward him after he had wrestled Thomas Poor Bear to the ground and that when he grabbed Means, his revolver accidentally discharged. Means, however, maintained he approached Kelly in a peaceful manner with hands raised, hoping to avoid trouble.

Van Sickle said that there was sufficient evidence of doubt that Means was doing anything but moving in to help Poor Bear. He said further that from the evidence regarding the angle of the bullet as it passed through Means body it must be concluded the defendant had partially dropped or was thrown to a crouching position at the time he was shot.

However, Van Sickle also said he found from the record of the trial that Kelly, a police officer of 20 years experience, had behaved courageously in following his superior officer's instructions to investigate a report from the Morton County sheriff's department that persons involved in a Fort Rice incident were moving into reservation territory.

He said Kelly's conduct under the circumstances, in which he was confronted by a party of more than 10 persons who could have been armed, was not unreasonable. Van Sickle added it was reasonable for Kelly to conclude he was faced with a dangerous situation.

In final arguments prosecution had maintained that the defense was seeking to

prove the police officers had deliberately set up the confrontation with the Means party. Judge Van Sickle said he found no evidence that this was true, and defense, in its summation, made no attempt to argue the confrontation was deliberate. Defense maintained that the scuffle between Poor Bear and Lt. Kelly and the shooting of Means, which it called accidental, were the result of overreaction on the part of the police officer who was aware of Means reputation as an aggressive Indian leader.

The government in arguing that the shooting was accidental said it would be ridiculous to assume that an experienced officer like Kelly would have only grazed his target at a distance of only two feet and further that he would have attempted murder in front of some 15 witnesses.

Defense attorneys termed 'absurd' prosecution claims and Kelly's own testimony that he and his son did not know Means was among the party they were ordered to investigate. Defense in sum-

Means Acquitted in Case

(Continued from Page 1)

mation noted that police logs at Fort Yates at the time of the incident had referred to the party investigated by Kelly as "Means boys."

The judge in concluding his findings said there was no evidence that Means, as claimed, had been denied medical attention. He said Means had refused to accept treatment until a medicine man was located, and later did go to the hospital.

Following his acquittal Means said that in spite of what the judge had said—apparently in reference to giving him a fair trial—he had been afraid. "After all, I am Russell Means," he said. He added that in federal court there is some justice for Indians. He noted that he had been charged in federal court on three occasions and had not been convicted of a felony. "But in state court, there is no justice," he said.

Defense counsel put Means on the stand Monday just before resting its case.

On the stand, Means gave his version of what had happened during a June 7, 1975, incident on Highway 1806 south of the Cannonball River on Standing Rock Reservation in which Thomas Poor Bear had been involved in a scuffle with Bureau of Indian Affairs police officer Lt. Patrick Kelly. Means was wounded, allegedly by a discharge from Kelly's revolver.

The trial, originally set in Bismarck, had been moved to Fargo when defense attorneys cited racial prejudice in the Bismarck area. However, following a defense request later for a non-jury trial, Van Sickle ordered the case moved back there.

Charges against Poor Bear, also arrested in the incident, were dropped last Thursday but a motion for dismissal of the charges against Means was denied.

After resting their case, Means' attorneys asked Van Sickle to dismiss the case in light of a ruling last week by U.S. Judge Fred Nichol of South Dakota.

In that case, involving seven indictments against six defendants, Nichol ruled that a 1913 law terminated and returned to public domain all unallotted land in the eastern portion of Standing Rock Reservation where the incident involving Means took place. The attorneys said in view of Nichol's ruling, the federal court has no jurisdiction in the case.

Van Sickle took the dismissal motion under advisement and said if Means was convicted, he could then rule on the motion after both sides had presented arguments in the matter.

Earlier the judge had denied as being

without merit a defense motion for mistrial on grounds certain government witnesses talked with trial observers.

The former American Indian Movement leader told the court he had come to Standing Rock from South Dakota to apply for a job as director of a youth ranch for delinquents.

He said the group he was with June 7 had partied until early in the morning, had slept late and then headed for Virgil Running Bear's residence on the reservation. He said a police car cruised by while the car caravan was parked near the Cannonball Bridge on the reservation side and that when his brother, Dale Means and Running Bear, who was driving a pickup, raced a short distance up a hill, Running Bear was stopped by the police car. The police vehicle, he said, then drew to a stop opposite the caravan as it came down the road.

Poor Bear got out of the car in which Means was a passenger saying he wanted to talk to the officer.

At this point in his testimony Means said, "You have to understand, I'm considered an AIM leader and sometimes the younger element has to be tight-reined. So I decided I had better go over and keep Tom from getting into trouble."

Means said he got out of the car and as he approached the two men noticed someone he did not know in the police car. He said he asked the person who he was and the person replied, "I'm a tough sonovabitch."

"The next thing I knew, Pat had Tom down. I put my hands up and said, 'we don't want any trouble, knock it off,'" Means recounted. He said Kelly let go of Poor Bear's head and he went down. Other witnesses had testified earlier that Kelly had grabbed Poor Bear by the hair and pulled him to the ground. Means said he then went over to pick Tom up and "then I got hit. It felt like two great big pinchers had grabbed my left back." Means said that due to shock he did not recall anything immediately afterward but that Kelly had put him in the police car and headed for Fort Yates. He said he learned the younger Kelly's identity during the trip.

He also said that at the time of the incident he thought it was Ted Kelly who had shot him and that it was some time later he learned it was the father.

Means told the court that when he requested a medicine man be present during his examination by doctors at Fort Yates the officers swore at him and took him to the "drunk tank" at the jail.

(Mount Clipping in Space Below)

Witnesses Deny Any Interference By Russell Means

By LUCILLE HENDRICKSON
Tribune Staff Writer

Defense attorneys in the Russell Means trial which reconvened in federal court here Monday morning said they expected to complete their testimony by the end of the day.

Four defense witnesses and one witness also subpoenaed by the government took the stand Monday morning. Under questioning and cross examination by the government, all five denied having seen any action by Russell Means or Thomas Poor Bear that would constitute interfering with a federal officer in the performance of his duty.

The charge of interference was made against the two men following an incident on a highway near the Cannonball River on Standing Rock Reservation June 7, 1975, in which Means was wounded.

Trial was moved to Fargo by Judge Bruce Van Sickle after defense attorneys cited racial prejudice in the Bismarck area but was ordered back to Bismarck after defense later asked for a nonjury trial.

Charges against Poor Bear of interfering with a federal officer in the same incident were dismissed by Van Sickle Thursday at Fargo but the motion for dismissal of the charges against Means, former leader of the American Indian Movement, was denied.

A petition for mistrial on grounds that certain government witnesses had talked with trial observers in elevators and halls was made by the defense as proceedings recommenced here Monday, but was denied by the judge as being without merit.

During completion of testimony by Dale Means, begun in Fargo on Friday, Defense Attorney Richard Baer asked the witness if his party had stopped at Fort Rice in Morton County on their way to the reservation.

Means responded that he had denied the party stopped there when asked the question earlier in the proceedings for fear

(Indicate page, name of newspaper, city and state.)

Page 1

THE BISMARCK TRIBUNE

Bismarck, ND

Date: 4/12/76
Edition: Final
Author: LUCILLE HENDRICKSON
Editor: JOHN O. HJELLE
Title: RUSSELL CHARLES
MEANS; [REDACTED]

b6
b7C

Character: [REDACTED] LT. [REDACTED]
or [REDACTED] IA -
Classification: MP 89-231
Submitting Office: MP/Bismarck

☒ Being Investigated

SEARCHED [REDACTED]
SERIALIZED [REDACTED] FILED [REDACTED]
APR 13 1976
FBI - BISMARCK

it would prejudice another case in which Means is defendant. He said under questioning Monday that they did stop there for gas.

When government attorneys sought to question the witness further about the stop, the judge sustained defense objections.

Appearing on the stand Monday along with Means' brother were his cousin, Dennis Means, who had been riding in the car driven by Dale, Michelle Lincoln and Leonard Cardinal who were passengers in a car driven by Allen White Lightning, and Geraldine Arcorn, passenger in another car in the caravan which had stopped along the highway where the confrontation with Bureau of Indian Affairs police officer Lt. Patrick Kelly had taken place.

Cardinal, who said his car was second in line, testified that Thomas Poor Bear got out of the car in which he was riding and there was an exchange of words between Poor Bear and Lt. Kelly which he did not hear. He said Poor Bear turned around to leave and the BIA police officer grabbed him by the hair and pulled him to the ground. He said that when that was happening, Means walked toward the police car saying, "We don't want any trouble, we don't need any trouble."

He then said that Means leaned over to help Poor Bear up, that he had observed no gun but heard the shots, adding that he thought it was two shots.

When asked by the defense if Means had taken any assertive action or any action that could be interpreted as a threat he replied, "Absolutely not."

All of the witnesses gave a similar description of events leading up to the shooting, saying Means was leaning over Poor Bear, apparently trying to help him, when the shots were fired.

However, under questioning, none of the witnesses claimed to have actually seen the gun go off. Dennis Means testified that Russell Means had stepped between Kelly and Poor Bear who were standing in front of the police car. When asked by government attorneys how Kelly was holding the gun, he at first said he did not know. Under further questioning he said he thought Kelly had his gun hand down by his hip. He said the impact of the shot "sat Means down on his butt in front of Kelly."

Kelly had testified earlier in the trial that the AIM leader came at him, a scuffle ensued and the police officer's revolver accidentally discharged.

All of the witnesses said that Kelly's son, a BIA deputy had been sitting on the passenger side of the police vehicle until the shooting occurred and that he then got out, waved a gun at several persons who had gotten out of other cars parked by the road and ordered them to stay where they were.

Dennis Means testified that young Kelly said, "If you take another step I am going to blow you guys away," but added that Kelly appeared scared and that the shotgun was shaking in his hands.

All of the witnesses said Means walked to the police vehicle afterward ahead of Kelly, whom, one witness said, had grabbed Means by the belt as he led him to the car.

(Mount Clipping in Space Below)

Judge closes Means trial to public

FARGO, N.D. (AP) — U.S. District Court Judge Bruce Van Sickle says the public was to be excluded from jury selection Tuesday in the trial of American Indian Movement leader Russell Means and Thomas Poor Bear.

The two are charged with interfering with a Bureau of Indian Affairs officer in the performance of his official duties stemming from a shooting incident June 7 on the Standing Rock Reservation in North Dakota.

Earlier, Van Sickle had moved the trial from Bismarck to Fargo because of what he said was racial prejudice in the southwestern district of North Dakota, and he had ordered principals against making unauthorized statements during the trial.

Means, 36, listed his address as Bismarck, and Poor Bear, 21, gave his address as Rosebud, S.D.

As part of his order Monday Van Sickle did not disclose who moved to exclude the public from the jury selection, which he has said is expected to take all day.

"A request was made that, where there are motions with emotional overtones, that the origin of the motion be kept secret," he said. "This ruling in effect answers that request. This is a motion by one of the principals."

The judge added exclusion of the public would help assure the 75 prospective jurors "speak freely" during the selection, and would remove a courtroom space problem. He explained the courtroom spectator section has seating for about 115 persons.

The trial for the two men had been separated in the earlier ruling on prejudice, but Van Sickle later ordered them combined again.

Van Sickle said he hoped to have the jury selection completed on one day, "because it's an expensive thing keeping them over (a second day)."

Earlier he had also ordered the public excluded from the trial when arguments were presented to the court out of the presence of the jury.

(Indicate page, name of newspaper, city and state.)

PAGE 11

RAPID CITY
JOURNAL

RAPID CITY,
SOUTH DAKOTA

Date: April 6, 1976

Edition: FINAL

Author:

Editor: JAMES M. KUEHN

Title:

Character:

or

Classification:

b6

Submitting Office:

b7C

☐ Being Investigated

89-22-122
SEARCHED INDEXED
SERIALIZED FILED

APR 6 1976

FBI - MINNEAPOLIS

(Mount Clipping in Space Below)

Judge takes jury function in Means trial

FARGO, N.D. (AP) — In a surprise move Tuesday, the jury for the trial of Russell Means and Thomas Poor Bear was dismissed shortly after it was chosen and U.S. District Judge Bruce Van Sickle said he would hear the case and issue the verdict himself.

The move came after defense attorneys Richard Baer and Irvin Nodland, both of Bismarck, requested the jury be dismissed after it was learned a co-defendant of Means in another case tried in Rapid City, S.D., was found guilty of murder Tuesday morning and sentenced to life imprisonment.

Means is expected to go on trial later this month in Rapid City in connection with the incident at a Scenic, S.D. bar that left one man dead.

Defense counsel said jurors in the trial of Means and Poor Bear, who are charged with interfering with an officer of the Bureau of Indian Affairs in an altercation at the Standing Rock Indian Reservation last June 7, would be prejudiced when they learned of the Rapid City court's action.

U.S. attorney Hal Bullis objected to the motion, but withdrew it later in the day after Van Sickle said the jury would be sequestered for the duration of the trial to prevent them from learning of the information.

Van Sickle agreed to dismiss the jury shortly after 6 p.m. after a full panel had already been chosen.

Van Sickle had transferred his court from Bismarck to Fargo after it was determined Means and Poor Bear could not get a fair trial in the capital city because of widespread prejudice against Indians.

(Indicate page, name of newspaper, city and state.)

PAGE 2

RAPID CITY
JOURNALRAPID CITY,
SOUTH DAKOTA

Date: April 7, 1976

Edition: FINAL

Author:

Editor: JAMES M. KUEHN

Title:

Character:

or

Classification:

Submitting Office:

b6

b7C

☐ Being Investigated

89-231-123

SEARCHED	INDEXED
SERIALIZED	FILED

APR 7

NNEA

(Mount Clipping in Space Below)

Means to be tried in Rapid City

The murder trial of Russell Means will not be moved to Pierre after all, it was decided Tuesday in a pre-trial conference in Rapid City.

Means had been scheduled to be tried April 26 in Rapid City for the March 1, 1975 shooting death of Martin Montileaux in the Longhorn Bar in Scenic.

Monday Circuit Judge Marshall Young ordered the trial to begin in Pierre on May 3, due to a defense contention that Means could not receive a fair trial in Western South Dakota.

However, Tuesday the defense stood on its original motion to have the trial moved to Clay County, and refused to give up their right to have the trial in Pennington County.

When the court denied the motion to move the trial to Vermillion in Clay County, that put the trial back in Rapid City, Young explained.

Means is now scheduled to be tried in Rapid City beginning May 3. No further changes are expected, since Tuesday was the last scheduled pretrial conference before the trial, Young said.

(Indicate page, name of newspaper, city and state.)

— PAGE 2

— RAPID CITY
JOURNAL

— RAPID CITY,
SOUTH DAKOTA

Date: April 21, 1976

Edition: FINAL

Author:

Editor: JAMES M. KUEHN

Title:

Character:

or

Classification: 89-231-

Submitting Office: 24

☐ Being Investigated

SEARCHED INDEXED
SERIALIZED FILED

APR 21 1976

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b7C

(Mount Clipping in Space Below)

Means, Hill trial moved from Custer

CUSTER — Russell Means and David Hill will be tried in Vermillion, a state judge ruled here Monday.

Circuit Judge John Jones granted the change of venue, but stipulated that the two would be tried together on charges stemming from the 1973 Custer Court-house demonstration.

The judge said that a definite trial date and hearing on other motions in the case would be heard here June 11. The trial is tentatively scheduled for September.

Means faces trial on charges of assault with a dangerous weapon, riot where arson was committed, one count of arson and three counts of second degree arson.

Hill is charged with assault with a dangerous weapon, riot where arson was committed and three counts of conspiracy to commit arson.

(Indicate page, name of newspaper, city and state.)

— PAGE 2

— RAPID CITY
JOURNAL

— RAPID CITY,
SOUTH DAKOTA

Date: April 21, 1976
Edition: FINAL
Author:
Editor: JAMES M. KUEHN
Title:

Character:

or

Classification: 89-231-125

Submitting Office:

☐ Being Investigated

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INDEXED
FILED

APR 21 1976

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DIRECTOR, FBI (89-3220)
(ATTN: FBI LABORATORY, EXHIBITS SECTION)

4/21/76

SAC, MINNEAPOLIS (89-231) (C)

4 3

DUSSELY CHARLES WEANG.

LT. [REDACTED], BUREAU OF
INDIAN AFFAIRS [REDACTED]
AFO

b3
b6
b7C

OO: MINNEAPOLIS

ReBulet to Minneapolis, 3/30/76.

The [REDACTED] prepared by the Exhibits
Section was used in the trial of captioned subjects
held in the [REDACTED] 4/6-13/76. [REDACTED]

[REDACTED]
[REDACTED]
Lt. [REDACTED] Judge
BRUCE M. VAN SICKLE. Jury trial was waived by the
defendants.

Remarks by U.S. Attorney HAROLD O. BILLIS and
Assistant U.S. Attorney [REDACTED]

2 - Bureau
1 - Minneapolis
[REDACTED] jmf
(3)

7 4 15

89-231-126

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE MINNEAPOLIS	OFFICE OF ORIGIN MINNEAPOLIS	DATE 4/22/76	INVESTIGATIVE PERIOD 3/16/76 - 4/13/76
TITLE OF CASE RUSSELL CHARLES MEANS; [REDACTED] LIEUTENANT [REDACTED] BUREAU OF INDIAN AFFAIRS - [REDACTED]		REPORT MADE BY SA [REDACTED] CHARACTER OF CASE AFO	TYPED BY jss

REFERENCE

Minneapolis report of SA [REDACTED] 8/21/75;
Bureau letter to Minneapolis, 5/30/76.

b6
b7C

- C -

ADMINISTRATIVE

Final Disposition Reports for RUSSELL CHARLES MEANS and
[REDACTED] have been forwarded to the Bureau.

*Doston File
4/21/84
T 43*

*01 received
5/31/73. Returned
5/31/73 with info.
re above report being
submitted
T 43*

ACCOMPLISHMENTS CLAIMED						<input type="checkbox"/> NONE	ACQUIT- TALS	CASE HAS BEEN:
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES			
							2	PENDING OVER ONE YEAR <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

APPROVED

T 43

SPECIAL AGENT
IN CHARGE

DO NOT WRITE IN SPACES BELOW

COPIES MADE:

- 2 - Bureau (89-3220)
1 - USA, Fargo, North Dakota
① - Minneapolis (89-231)
js

59 231-127

[REDACTED]	[REDACTED]
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Dissemination Record of Attached Report

Agency				
Request Recd.				
Date Fwd.				
How Fwd.				
By				

Notations

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, Fargo, North Dakota

Report of: [REDACTED]

Office: Minneapolis, Minnesota

Date: April 22, 1976

Field Office File #: 89-231

Bureau File #: 89-3220

Title: RUSSELL CHARLES MEANS -

[REDACTED]
LIEUTENANT [REDACTED]
BUREAU OF INDIAN AFFAIRS - [REDACTED]b6
b7C

Character: ASSAULTING A FEDERAL OFFICER

Synopsis: Sample .38 caliber cartridge from Lt. [REDACTED], BIA, Cannon Ball, North Dakota, furnished to defense counsel at request of USA, Fargo, N.D. Medical findings of [REDACTED] M.D., U.S. Public Health Service, Fort Yates, N.D., and [REDACTED] M.D., Bismarck, North Dakota, set forth. Witness [REDACTED] interview set forth. Both subjects acquitted in trial without jury USDC, District of North Dakota, 4/13/76.

- C -

DETAILS

MP 89-231

Trial for THOMAS RICHARD POOR BEAR and RUSSELL CHARLES MEANS held in U.S. District Court at Fargo, North Dakota, April 6-9, 1976; and in U.S. District Court at Bismarck, North Dakota, April 12-13, 1976.

On April 13, 1976, a Judgment of Acquittal, signed by BRUCE M. VAN SICKLE, Judge, was filed in U.S. District Court at Fargo, North Dakota, in the action entitled United States of America, Plaintiff, vs. THOMAS RICHARD POOR BEAR, Defendant, as follows:

"The Defendant, THOMAS RICHARD POOR BEAR, having moved for Judgment of Acquittal pursuant to Rule 29(a) of the Federal Rules of Criminal Procedure, upon the conclusion of the Plaintiff's case; this Court finds that the evidence is insufficient to sustain a conviction of the offense charged in the Indictment, and it is therefore, ordered and adjudged that the Defendant be, and he is hereby acquitted, and the Defendant is ordered released and his bond exonerated."

On April 13, 1976, a Judgment of Acquittal, signed by BRUCE M. VAN SICKLE, Judge, was filed in U.S. District Court, Bismarck, North Dakota, in the action entitled United States of America, Plaintiff, vs. RUSSELL CHARLES MEANS, Defendant, as follows:

"The above-named Defendant, RUSSELL CHARLES MEANS, having heretofore entered his plea of Not Guilty to the charge contained in the Indictment on file herein, and having, in writing, waived his right to jury trial and trial before the Court having been completed; Now, therefore, the Court having heard the testimony of the parties and their witnesses, and having duly considered the same, together with the documentary evidence introduced by the respective parties and the argument of counsel, this Court finds that the Plaintiff has failed to prove the elements of the charge contained in the Indictment. It is ordered and adjudged that said Defendant, RUSSELL CHARLES MEANS, is Not Guilty as charged in the Indictment and the said Defendant be, and he is hereby discharged, and his bond is exonerated."

b3
b6
b7C

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, MINNEAPOLIS (89-231) (C)

DATE: 9/13/76

FROM : SA [REDACTED]

SUBJECT: RUSSELL CHARLES MEANS:

[REDACTED]
LT. [REDACTED] BIA - [REDACTED]

AFO

OO: MP

b6
b7C

AT MANDAN, NORTH DAKOTA

On 9/13/76, at the request of [REDACTED] States Attorney, Morton County, Mandan, North Dakota, a copy of the FD-302 reflecting the interview of [REDACTED] Fort Yates, North Dakota, at Fort Yates on 4/1/76, was furnished to [REDACTED] for possible use in the trial of MEANS on State of North Dakota charges. Arraignment in that case is scheduled for 9/23/76.

1 - Minneapolis

128
[Handwritten initials and stamps]



(Mount Clipping in Space Below)

Arraignment Is Set For Russell Means

Russell Means, American Indian Movement leader, is to be arraigned in Morton County District Court at 2 p.m. Nov. 23, according to an order filed Wednesday with the clerk of court in Mandan.

State District Judge Eugene Burdick, Williston, who filed the order, was appointed by the State Supreme Court to hear the Morton County case after Means' attorney, Richard Baer, requested a change of judge.

Means is charged with aggravated assault as a result of an incident on June 7, 1975, in a Fort Rice bar in which Means is alleged to have struck a bar patron with a rifle butt.

Baer also asked the court to move the trial to another area. He claims the county is prejudiced against American Indians and Means and that a fair trial cannot be held here.

Morton County State's Atty. Richard Schnell has resisted the move and requested the trial be held in Morton County.

He has asked the judge to transfer the case to Sioux County but to hear it in the Morton County Courthouse in Mandan due to the inadequacy of court facilities in Fort Yates.

The jury could be drawn from Sioux County, which, he said, is the only all-reservation county in the state of North Dakota.

The judge has not ruled on the motion to move the court trial.

(Indicate page, name of newspaper, city and state.)

Page 28

THE BISMARCK TRIBUNE

Bismarck, ND

Date: 10/16/76
Edition: Final
Author: Staff
Editor: JOHN O. HJELLE
Title: RUSSELL CHARLES MEANS; ET AL

Character: AFO

or

Classification: MP 89-231-129
Submitting Office: MP/Bismarck

☐ Being Investigated

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SERIALIZED	FILED
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Fine, Suspended Jail Term Given

Means Enters Guilty Plea to Assault Charge

Former American Indian Movement leader Russell Means pleaded guilty through his attorney Tuesday in Morton County District Court to a simple assault charge stemming from a clash in the Fort Rice Bar June 7, 1975.

District Judge Eugene Burdick of Williston excused Means from the arraignment proceedings so he could attend a United Nations Treaty Conference in New York City.

Richard Baer, Means' Bismarck attorney, submitted a two-page notarized statement signed by Means pleading guilty to the simple assault charge resulting from a plea-bargained agreement.

Means originally had been charged under the old North Dakota Century Code with a felony complaint of the aggravated assault of Arlen

Hettich, Huff, by striking him in the face with a rifle butt.

In accepting the plea, Burdick fined Means \$100, to be paid immediately, and sentenced him to 30 days in Morton County jail, suspended for 18 months under old Century Code provisions on condition Means obey all federal and state laws.

The agreement further required that Means pay \$600 for attorney fees incurred by the county for a public defender, and pay \$17 to the Fort Rice Bar as restitution for beer and cigarettes taken after the fight.

Baer submitted a certified check to the court for \$417 with \$100 to pay the fine, \$300 to pay half the attorney's fees, and the remainder to cover restitution to the bar.

The Fort Rice Bar incident was apparently related to a

confrontation in which Means was wounded during a struggle between Bureau of Indian



Russell

Means

Affairs Lt. Pat Kelly and Richard Thomas Poor Bear, 21, Rosebud, S.D., near the Cannon Ball Bridge in northern Sioux County. Reservation officials had been notified that those involved in the bar incident were headed toward the reservation.

Means was hospitalized for about a week in Bismarck. He and Poor Bear were charged

with interfering with Kelly in the performance of his duties. The charge against Poor Bear was later dismissed and Means was acquitted by Judge Bruce Van Sickle in April during a bench trial in federal district court.

No testimony or written statements were submitted during the court proceedings Tuesday detailing the circumstances surrounding the Fort Rice Bar clash.

Richard Schnell, Morton County state's attorney, related after the proceedings that Means was one of seven persons who entered the Fort Rice Bar looking for a person identified as Dennis Burger. Schnell said he has been unable to establish what interest the Means group had in Burger.

The group reportedly believed that Hettich was the man they were seeking, and a

fight ensued, Schnell said. At some time during the clash, Means reportedly struck Hettich in the face with a rifle that the group had brought into the tavern.

Dirlyn Schramm, Mandan, who signed the initial complaint against Means, also was attacked, but could not identify his assailants because his jacket was pulled over his head, Schnell said. Schramm was able to identify Means as the person who struck Hettich with the rifle, Schnell added.

Schnell reported during court proceedings that Hettich is a "rugged" person and did not receive a serious injury from the blow as had been initially thought.

The plea-bargained agreement on the assault charge changed the original wording of the felony com-

(See MEANS, Page 2)

(Mount Clipping in Space Below)

(Indicate page, name of newspaper, city and state.)

Page 1

THE BISMARCK TRIBUNE

Bismarck, No. Dakota

Date: 11/24/76

Edition: Final

Author: Staff

Editor: JOHN O. HJELLE

Title: RUSSELL CHARLES

MEANS.

Character

or

Classification:

MP 89-231-30

Submitting Office: MP/Bismarck

☐ Being Investigated

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SERIALIZED FILED

DEC 1 1976

FBI - MINNEAPOLIS

153

MP 89-231

Means -

(Continued from Page 1)

plaint to delete the statement that Hettich was assaulted "with intent to do great bodily harm by striking him with the butt of a rifle" to Means "did use force and violence upon the person of Arlen Hettich by striking him."

Burdick, who had been appointed to the case by the State Supreme Court last October at the request of the defense, said it was not unheard of to excuse a defendant from arraignment proceedings while pleading guilty to a misdemeanor.

He said such action does not happen very often, but is permissible under North Dakota court procedures. He said that if the charge had been retained as a felony, Means would have been required to appear.